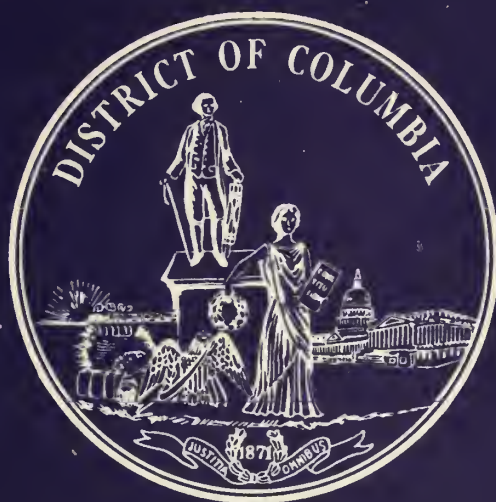


District of Columbia Code

1967 EDITION ☆ SUPPLEMENT I

1968



TITLES 1-49

TABLES AND INDEX

DISTRICT OF COLUMBIA CODE

1967 EDITION

SUPPLEMENT I

LAWS—January 10, 1967, to January 14, 1968

NOTES TO DECISIONS—January 1, 1967, to October 31, 1967

Prepared and Published Under Authority of Sections 202, 203 of Title 1, United States Code,
by the Committee on the Judiciary of the House of Representatives



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1968

HOUSE OF REPRESENTATIVES COMMITTEE ON THE JUDICIARY

UNDER WHOSE DIRECTION THIS
EDITION HAS BEEN PREPARED

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TITLES OF DISTRICT OF COLUMBIA CODE

PART I.—GOVERNMENT OF DISTRICT

Title

1. Administration.
2. District Boards and Commissions.
3. Board of Public Welfare.
4. Police and Fire Departments.
5. Building Restrictions and Regulations.
6. Health and Safety.
7. Highways, Streets, Bridges.
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* This title has been enacted as law.

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PREFACE

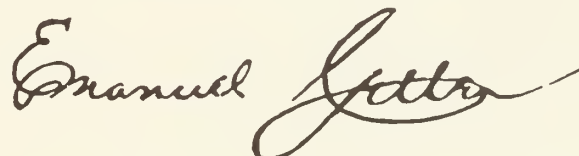
This first supplement to the District of Columbia Code, containing the additions to and changes in the general and permanent laws relating to or in force in the District of Columbia (except such laws as are of application in the District of Columbia by reason of being general and permanent laws of the United States), enacted during the first session of the Ninetieth Congress, has been prepared and published by the Committee on the Judiciary of the House of Representatives under authority of Sections 202 and 203 of Title 1, United States Code. This supplement, together with the 1967 edition, contains the laws of the District of Columbia in force on January 14, 1968.

The 1967 edition of the Code was completely annotated with notes to decisions of the courts affecting the respective sections of the Code. These notes have been brought up to the indicated pages in the following reports: 88 S. Ct. 506, 384 F. 2d 928, 275 F. Supp. 368, 235 A. 2d 672.

An important and extremely useful improvement introduced for the first time in this Supplement is a cross-reference note following each section that is referred to in another section, indicating the section that refers to it.

The Committee gratefully acknowledges the assistance of Dr. Charles J. Zinn, Law Revision Counsel, and Joseph Fischer, Esquire, Assistant Law Revision Counsel, of the Committee, and of all others who have helped in the preparation of this supplement.

The Committee again invites suggestions and criticisms by users of the Code.



Chairman, Committee on the Judiciary



*Chairman, Subcommittee No. 3
Committee on the Judiciary*

WASHINGTON, D.C.
January 14, 1968

ACTS RELATING TO THE ESTABLISHMENT OF
THE DISTRICT OF COLUMBIA AND ITS VARIOUS
FORMS OF GOVERNMENTAL ORGANIZATION

REORGANIZATION PLAN NO. 3, 1967

Reorganization Plan No. 3, 1967, effective August 11, 1967, abolished the existing three-commissioner form of government and established in its place a single commissioner and a nine-man council form of government. For details, see the Plan set out in its entirety in the appendix to title 1.

CONSTITUTION OF THE UNITED STATES OF AMERICA

ARTICLE [XXV]

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days

after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

PROPOSAL AND RATIFICATION

This amendment was proposed by the Eighty-ninth Congress by Senate Joint Resolution No. 1, which was approved by the Senate on February 19, 1965, and by the House of Representatives, in amended form, on April 13, 1965. The House of Representatives agreed to a Conference Report on June 30, 1965, and the Senate agreed to the Conference Report on July 6, 1965. It was declared by the Administrator of General Services on February 23, 1967, to have been ratified.

This amendment was ratified by the following States: Nebraska, July 12, 1965; Wisconsin, July 13, 1965; Oklahoma, July 16, 1965; Massachusetts, August 9, 1965; Pennsylvania, August 18, 1965; Kentucky, September 15, 1965; Arizona, September 22, 1965; Michigan, October 5, 1965; Indiana, October 20, 1965; California, October 21, 1965; Arkansas, November 4, 1965; New Jersey, November 29, 1965; Delaware, December 7, 1965; Utah, January 17, 1966; West Virginia, January 20, 1966; Maine, January 24, 1966; Rhode Island, January 28, 1966; Colorado, February 3, 1966; New Mexico, February 3, 1966; Kansas, February 8, 1966; Vermont, February 10, 1966; Alaska, February 18, 1966; Idaho, March 2, 1966; Hawaii, March 3, 1966; Virginia, March 8, 1966; Mississippi, March 10, 1966; New York, March 14, 1966; Maryland, March 23, 1966; Missouri, March 30, 1966; New Hampshire, June 13, 1966; Louisiana, July 5, 1966; Tennessee, January 12, 1967; Wyoming, January 25, 1967; Washington, January 26, 1967; Iowa, January 26, 1967; Oregon, February 2, 1967; Minnesota, February 10, 1967; Nevada, February 10, 1967; Connecticut, February 14, 1967; Montana, February 15, 1967; South Dakota, March 6, 1967; Ohio, March 7, 1967; Alabama, March 14, 1967; North Carolina, March 22, 1967; Illinois, March 22, 1967; Texas, April 25, 1967; Florida, May 25, 1967.

CERTIFICATE OF VALIDITY

Publication of the certifying statement of the Administrator of General Services that the Amendment had become valid was made on February 25, 1967, 32 F.R. 3287.

DISTRICT OF COLUMBIA CODE
1967 Edition

SUPPLEMENT I

LAWS—January 10, 1967, to January 14, 1968
NOTES TO DECISIONS—January 1, 1967, to October 31, 1967

THE CODE OF THE DISTRICT OF COLUMBIA

PART I

GOVERNMENT OF DISTRICT

TITLE 1—ADMINISTRATION.
TITLE 2—DISTRICT BOARDS AND COMMISSIONS.
TITLE 3—BOARD OF PUBLIC WELFARE.
TITLE 4—POLICE AND FIRE DEPARTMENTS.
TITLE 5—BUILDING RESTRICTIONS AND REGULATIONS.

TITLE 6—HEALTH AND SAFETY.
TITLE 7—HIGHWAYS, STREETS, BRIDGES.
TITLE 8—PARKS AND PLAYGROUNDS.
TITLE 9—PUBLIC BUILDINGS AND GROUNDS.
TITLE 10—WEIGHTS, MEASURES, AND MARKETS.

TITLE 1.—ADMINISTRATION

Chapter 1.—CREATION OF DISTRICT— GENERAL PROVISIONS

§ 1-102. District created body corporate for municipal purposes.

TRANSFER OF PERSONNEL AND PROPERTY TO NEW DISTRICT OF COLUMBIA GOVERNMENT

Sections 304 and 502 of Reorganization Plan No. 3 of 1967, effective August 11, 1967, and November 3, 1967, respectively, provide:

"SEC. 304. *Transfer of personnel, property, records, and funds.* With respect to personnel, property, records, and unexpended balances of appropriations, allocations and other funds, available or to be made available, relating to functions transferred by the provisions of this reorganization plan, the Commissioner may from time to time effect such transfers between the agencies of the Corporation (including transfers between the Commissioner and any other agency of the Corporation) as he may deem necessary in order to carry out the provisions of this reorganization plan.

"SEC. 502. *Incidental transfers.* (a) The personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the offices of the Board of Commissioners of the District of Columbia or in connection with the offices of the commissioners composing that Board shall be transferred as follows at such time or times as the Director of the Bureau of the Budget shall direct:

"(1) So much thereof as the Director of the Bureau of the Budget shall determine to relate primarily to functions transferred to the District of Columbia Council by the provisions of this reorganization plan shall be transferred to that Council.

"(2) All other thereof shall be transferred to the Commissioner of the District of Columbia.

"(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

"(c) Unless and until other provision is made in pursuance of section 304 of this reorganization plan or by law, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds which are now under the jurisdiction of the Board of Commissioners of the District of Columbia and are not affected by the provisions of subsection (a) of this sec-

tion shall continue to be attached to or available for the several agencies of the Corporation."

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-103. Commissioners made officers of corporation.

TRANSFER OF FUNCTIONS AS OFFICERS OF THE CORPORATION

Section 405 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"The functions of the Commissioners of the District of Columbia with respect to being officers of the Corporation under D.C. Code, sec. 1-103 are hereby transferred to the members of the District of Columbia Council and to the Commissioner of the District of Columbia in such manner as to accord with the transfers of functions to the Council and the Commissioner, respectively, as effected by the provisions of the foregoing sections of Part IV of this reorganization plan."

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

Chapter 2.—COMMISSIONERS AND OTHER OFFICERS

Sec.

1-266. District of Columbia medical assistance program—Standards and criteria for determining eligibility—Definitions.

1-267. Supplementary medical insurance program.

§ 1-201. Appointment of Commissioners.

PRESIDENTIAL EXECUTIVE ORDER 11379

DESIGNATING OFFICIALS TO ACT AS COMMISSIONER OF THE DISTRICT OF COLUMBIA

By virtue of the authority vested in me by section 301(d) of Reorganization Plan No. 3 of 1967 (32 F.R. 11671), it is ordered that the following-designated officials of the District of Columbia shall, in the order of succession indicated, act as Commissioner of the District of Columbia during the absence from duty or disability of the Commissioner of the District of Columbia or in the event of a vacancy in the office of Commissioner:

(1) The Assistant to the Commissioner of the District of Columbia provided for in section 302 of Reorganization Plan No. 3 of 1967.

(2) The Corporation Counsel of the District of Columbia.

Ex. Ord. No. 11379, Nov. 8, 1967, 32 F.R. 15625, provided:

ABOLISHMENT OF BOARD OF COMMISSIONERS

Section 503 (a) and (b) of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"(a) Without prejudice to the continuation of the Corporation, there is hereby abolished the Board of Commissioners of the District of Columbia.

"(b) The abolition effected by subsection (a) of this section includes the abolition of the office held by an officer of the Corps of Engineers of the United States Army as the Engineer Commissioner of the District of Columbia (10 U.S.C. 3534(a); D.C. Code, sec. 1-201) and the two other offices of Commissioner of the District of Columbia, but nothing in this reorganization plan shall preclude the detail by the President of not more than three officers assigned to the Corps of Engineers to assist the Commissioner of the District of Columbia in discharging his duties (10 U.S.C. 3534(b); D.C. Code, sec. 1-212)."

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

NOTES TO DECISIONS**Constitutionality**

Federal District Court denied a request for convening of three-judge court in action to have certain statutes which vested executive and legislative power over the government of the District of Columbia in the defendants declared to be in conflict with the Ninth, Tenth, and Fifteenth Amendments to the Federal Constitution, and for injunction to restrain enforcement of certain statutes which purport to authorize the defendants to exercise specified executive and legislative powers, where claims of unconstitutionality were insubstantial. *D. Carliner et al. v. Board of Commissioners etc., et al.* (1967, 265 F. Supp. 736).

Motivation of particular legislators does not make a statute valid or invalid. *Id.*

§ 1-202. Engineer Commissioner may be designated from rank of captain or above.**TRANSFER OF FUNCTIONS TO COMMISSIONER**

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-203. Engineer Commissioner not required to perform any other duty.**TRANSFER OF FUNCTIONS TO COMMISSIONER**

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-204a. Compensation of President of Board of Commissioners.**TRANSFER OF FUNCTIONS TO COMMISSIONER**

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

NOTES TO DECISIONS**Right to three-judge court**

Federal District Court denied a request for convening of three-judge court in action to have certain statutes which vested executive and legislative power over the government of the District of Columbia in the defendants declared to be in conflict with the Ninth, Tenth, and Fifteenth Amendments to the Federal Constitution, and for injunction to restrain enforcement of certain statutes which purport to authorize the defendants to exercise specified executive and legislative powers, where claims of unconstitutionality were insubstantial. *D. Carliner et al. v. Board of Commissioners etc., et al.* (1967, 265 F. Supp. 736).

Motivation of particular legislators does not make a statute valid or invalid. *Id.*

§ 1-204b. Compensation of Commissioners.**TRANSFER OF FUNCTIONS TO COMMISSIONER**

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-205. Engineer Commissioner not deemed to hold civil office.**TRANSFER OF FUNCTIONS TO COMMISSIONER**

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-206. Civilian Commissioners—Qualifications.**TRANSFER OF FUNCTIONS TO COMMISSIONER**

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of

the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-207. Commissioners to choose president of Board.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-208. Oath of Commissioners.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-209. Tenure of office.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-210. Officers becoming surety for contractors prohibited—Contractors not to be surety on bonds of officers.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-211. Quorum—Assistants to Engineer Commissioner to act in his absence.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-212. Assistants to Engineer Commissioner, appointment, duties.

ABOLISHMENT OF BOARD OF COMMISSIONERS

Section 503(a) and (b) of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

“(a) Without prejudice to the continuation of the Corporation, there is hereby abolished the Board of Commissioners of the District of Columbia.

“(b) The abolition effected by subsection (a) of this section includes the abolition of the office held by an officer of the Corps of Engineers of the United States Army as the Engineer Commissioner of the District of Columbia (10 U.S.C. 3534(a); D.C. Code, sec. 1-201) and the two other offices of Commissioner of the District of Columbia, but nothing in this reorganization plan shall preclude the detail by the President of not more than three officers assigned to the Corps of Engineers to assist the Commissioner of the District of Columbia in discharging his duties (10 U.S.C. 3534(b); D.C. Code, sec. 1-212).”

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-213. Bonds of officers and employees.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-213a. Commissioners authorized to obtain surety bonds.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-213b. Commissioners bonds in lieu of employee bond.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-214. Secretary of Board of Commissioners authorized to execute certain documents.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President

of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-215. Volunteer services not to be accepted for government of District of Columbia.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-216. Offices, abolition or consolidation—Reduction of employees—Appointments to and removal from office.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-218. Commissioners—Executive power vested in.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-219. Taxes not to be anticipated by sale or hypothecation.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-220. Pardons and respites—Power to grant—Commissioning of officers—Execution of laws.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of

the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-221. Location of hack stands.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-222. Establishment of hack stands adjoining railroad stations—Rates of charges.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-223. Rates for public vehicles to be fixed by Commissioners.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to this title.

§ 1-224. Police regulations authorized in certain cases.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(1) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-224a. Additional penalties for violation of regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(2) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-224b. Regulations for the keeping and running at large of dogs.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(3) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the

right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-226. Regulations for protection of life, health, and property.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(4) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-227. Regulations relative to firearms, explosives, and weapons.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(4) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-228. Building regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(5) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-229. Regulations for construction and operation of elevators—Penalty.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(6) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-230. Regulations for control of rabies—Vaccination of dogs—Penalties.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(7) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-231. Outdoor signs—Commissioners may make regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(8) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-237. Investigations of municipal matters by Commissioners—Authority to administer oaths.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(9) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners with respect to making investigations of municipal matters and administering oaths, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-238. Annual report to Congress.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(10) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-243. Rent for quarters.

TERM OF LEASES

Section 12 of the District of Columbia Appropriation Act of Nov. 13, 1967, Pub. L. 90-134, 81 Stat. 441, provided:

"Appropriations in this Act shall be available, when authorized by the Commissioners, for the rental of quarters without reference to section 6 of the District of Columbia Appropriation Act, 1945."

§ 1-244. Additional powers of Commissioners.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(11, 12, 13, 14, 15) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a), (b), (f) and (h) to the extent provided in section 402 (11 to 15) of the Plan to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-257. Commissioners authorized to change and fix licensing periods.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(16) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-260. Holidays for District employees—Regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(17) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-262. Reception by Commissioners of eminent persons—Appropriation authorized.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(18) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section relating to the reception and entertainment of officials and other dignitaries to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-263. Advancement of moneys by disbursing officer.

SIMILAR PROVISIONS

Similar provisions were contained in the following District of Columbia Appropriation Act:

1968—Nov. 13, 1967, Pub. L. 90-134, § 7, 81 Stat. 440.

§ 1-264. Imposition of penalties by Commissioners for delivery of bad checks in payment of obligations due District of Columbia—Basis for penalty—Exception—Manner of collection.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(19) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-266. District of Columbia medical assistance program—Standards and criteria for determining eligibility—Definitions.

(a) The Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") may submit under title XIX of the Social Security Act to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") a plan for medical assistance (and any modifications of such plan) to enable the District of Columbia to receive Federal financial assistance under such title for a medical assistance program established by the Commissioner under such plan.

(b)(1) Notwithstanding any other provision of law, the Commissioner may take such action as may be necessary to submit such plan to the Secretary and to establish and carry out such medical assistance program, except that in prescribing the standards for determining eligibility for and the extent of medical assistance under the District of Columbia's plan for medical assistance, the Commissioner may not (except to the extent required by title XIX of the Social Security Act)—

(A) prescribe maximum income levels for recipients of medical assistance under such plan which exceed (i) the title XIX maximum income levels if such levels are in effect, or (ii) the Commissioner's maximum income levels for the local medical assistance program if there are no title XIX maximum income levels in effect; or

(B) prescribe criteria which would permit an individual or family to be eligible for such assistance if such individual or family would be ineligible, solely by reason of his or its resources, for medical assistance both under the plan of the State of Maryland approved under title XIX of the Social Security Act and under the plan of the State of Virginia approved under such title.

(2) For purposes of subparagraph (A) of paragraph (1) of this subsection—

(A) the term "title XIX maximum income levels" means any maximum income levels which may be specified by title XIX of the Social Security Act for recipients of medical assistance under State plans approved under that title;

(B) the term "the Commissioner's maximum income levels for the local medical assistance program" means the maximum income levels prescribed for recipients of medical assistance under the District of Columbia's medical assistance program in effect in the fiscal year ending June 30, 1967; and

(C) during any of the first four calendar quarters in which medical assistance is provided under such plan there shall be deemed to be no title XIX maximum income levels in effect if the title XIX maximum income levels in effect during such quarter are higher than the Commissioner's maximum income levels for the local medical assistance program. (Dec. 27, 1967, Pub. L. 90-227, § 1, 81 Stat. 744.)

REFERENCES IN TEXT

Title XIX of the Social Security Act referred to in text is set out as sections 1396 to 1396d of title 42 U.S. Code. "This Act" referred to in text is this section and 1-267.

§ 1-267. Supplementary medical insurance program.

The Commissioner may enter into an agreement (and any modifications of such agreement) with the Secretary under section 1843 of the Social Security Act pursuant to which (1) eligible individuals (as defined in section 1836 of the Social Security Act) who are eligible to receive medical assistance under the District of Columbia's plan for medical assistance approved under title XIX of the Social Security Act will be enrolled in the supplementary medical insurance program established under part B of title XVIII of the Social Security Act, and (2) provisions will be made for payment of the monthly premiums of such individuals for such program. (Dec. 27, 1967, Pub. L. 90-227, § 2, 81 Stat. 745.)

REFERENCES IN TEXT

Title XIX of the Social Security Act referred to in text is set out as sections 1396 to 1396d of title 42 U.S. Code.

Section 1836 of the Social Security Act is set out in section 1395o of title 42 U.S. Code.

Section 1843 of the same act is set out as section 1395v of title 42 U.S. Code.

Part B of title XVIII of the same act is set out as sections 1395j to 1395w.

Chapter 3.—OFFICERS AND EMPLOYEES GENERALLY

Sec.

1-320. Eligibility for employment in the District of Columbia Government.

§ 1-311. Repealed. Sept. 6, 1966, 80 Stat. 632, Pub. L. 89-544, § 8(a).

Act July 4, 1966, 80 Stat. 252, Pub. L. 89-488, amended various provisions of former Federal Employees' Compensation Act [5 U.S.C. former § 751 et seq.]. Section 15 of that act made the amendments applicable to employees of the government of the District of Columbia except members of the Police and Fire Departments. The act of September 6, 1966, Pub. L. 89-554, enacted into law the former provisions of the Federal Employees Compensation Act and district employees except Firemen and Police are covered by that act. The act of September 11, 1967, Pub. L. 90-83, brought into the new Title 5, the provisions of the act of July 4, 1966, Pub. L. 89-488 and section 10(b) of

that act repealed Pub. L. 89-488, section 15 of which was set out as a note to this section.

§ 1-320. Eligibility for employment in the District of Columbia Government.

In any program of recruitment or hiring of individuals to fill positions in the government of the District of Columbia, no officer or employee of the government of the District of Columbia shall exclude or give preference to the residents of the District of Columbia or any State of the United States on the basis of residence, religion, race, color, or national origin. (Nov. 3, 1967, Pub. L. 90-120, Title III, § 301, 81 Stat. 340.)

SHORT TITLE

Section 1, Act Nov. 3, 1967, Pub. L. 90-120 provided: "That this Act [amending section 47-2501a, subsection 9-220(b), repealing subsection 9-220(f) and enacting section 1-320] may be cited as the 'District of Columbia Federal Payment Authorization and Borrowing Authority Act of 1967'."

Chapter 5.—NOTARIES PUBLIC

§ 1-501. Appointment—Representation of clients before government departments—Administration of certain acknowledgments—License fee—Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(20) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to prescribing rules and regulations relating to notaries public to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

Chapter 6.—SURVEYOR

§ 1-613. Plats—Regulation—Recording.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(21) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-629. Commissioners of the District of Columbia to prescribe fees for surveyor—Schedule of fees to be displayed.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(22) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

Chapter 7.—INSPECTION—REGULATORY PROVISIONS

§ 1-705. Inspection of designated steam boilers and unfired pressure vessels.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(23) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-715. Regulations—Fees.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(24) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-719. Electric wiring—Inspection—Rules and regulations—Fees.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(25) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-725. Regulations governing plumbing, house drainage, sewers, and for examination and licensing of plumbers and gas-fitters—Noncompliance—Penalty.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(26) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-726. Fees for permits for sewer, gas, and water connections, excavations—Disposition of fees.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(27) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

Chapter 8.—CONTRACTS

§ 1-804. Bond of contractors, laborers, materialmen—Right to sue, intervene—Surety—Liability—Limitations—Notice.

NOTES TO DECISIONS

Extent of proof required by materialmen

Section giving right of recovery to any person "who has furnished labor or materials used in the construction or repair of any public building or public work" is construed for purposes of recovery upon the bond in suit, to require only a showing that materials or equipment have, by reference to public contract, been furnished by subcontractor to general contractor and have been accepted by general contractor for use in that contract. *The Aetna Casualty and Surety Co. v. Circle Equipment Co., et al.* (1967, 377 F. 2d 160, — U.S. App. D.C. —).

Jurisdiction of District Court

Under statute authorizing District of Columbia to bring suit within six months on contractor's bond, during which time unpaid creditors could intervene, and providing that if district did not bring suit within six months after final settlement under contract unpaid creditors could

bring suit in district court in name of district, district court had jurisdiction of subcontractor's suit commenced within six-month period notwithstanding that suit was not brought during period by district, where contractor did not challenge subject matter jurisdiction until after expiration of six-month period, even though suit would have been subject to dismissal as prematurely brought if dismissal had been sought within six-month period. *The Aetna Casualty and Surety Co. v. Circle Equipment Co., et al.* (1967, 377 F. 2d 160, — U.S. App. D.C. —).

Chapter 9.—CLAIMS AGAINST DISTRICT

§ 1-906. Authority to compromise claim or suit—Limitations.

Upon a report by the corporation counsel of the District of Columbia showing in detail the just and true amount and condition of any claim or suit which the District of Columbia may on July 31, 1951, or thereafter have against any person, firm, association, or corporation, and the terms upon which the same may be compromised, and stating that in his opinion a compromise of such claim or suit would be for the best interest of the District of Columbia, the Commissioners of the District of Columbia be, and they hereby are, authorized to compromise such claim or suit accordingly: *Provided, however,* That no claim or suit so compromised, except with the approval of the United States District Court for the District of Columbia, a claim or suit under section 19-701 of the District of Columbia Code, shall be reduced by an amount greater than \$10,000: *And provided further,* That this section shall not apply to claims or suits for taxes or special assessments. (Feb. 11, 1929, 45 Stat. 1161, ch. 173, § 5, as added by act of July 31, 1951, 65 Stat. 131, ch. 274, § 2; and amended, June 28, 1967, 81 Stat. 81, Pub. L. 90-33, § 1.)

AMENDMENT

1967—Act June 28, 1967, amended section by inserting after the word "compromised" in the first proviso the following " , except with the approval of the United States District Court for the District of Columbia, a claim or suit under section 19-701 of the District of Columbia Code,".

Chapter 10.—NATIONAL CAPITAL PLANNING COMMISSION

§ 1-1004. Comprehensive plan for the National Capital—Elements—Procedure.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(28) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, relating to consultations concerning the formation of one or more citizen advisory councils under subsection (e) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-1005. Proposed Federal and District developments and projects.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(29) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (c) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-1006. Thoroughfare plan.

ABOLISHMENT OF JOINT BOARD CREATED UNDER SECTION 40-603(e)

Section 503(c) of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"The joint board authorized and created by section 6(e) of the Act of March 3, 1925, 43 Stat. 1121, as amended (D.C. Code, sec. 40-603(e)), together with its functions, is hereby abolished."

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(30 and 31) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a) and (b) relating to approving a major thoroughfare plan or parts thereof or revisions thereof, and proposing revision of the major thoroughfare plan or parts thereof, and consulting with National Planning Commission, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

§ 1-1007. Public works program.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(32) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

Chapter 12.—PRESIDENTIAL INAUGURAL CEREMONIES

§ 1-1202. Regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(33) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

Chapter 14.—NATIONAL CAPITAL REGION TRANSPORTATION

SUBCHAPTER I.—NATIONAL CAPITAL TRANSPORTATION PROGRAM

PART I.—SHORT TITLE, STATEMENT OF FINDINGS AND POLICY, AND DEFINITIONS

§§ 1-1401 to 1-1409.

SECTION REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 1-1422.

SUBCHAPTER II.—COMPACT FOR MASS TRANSPORTATION

§ 1-1410. Consent of Congress given for Virginia, Maryland and District of Columbia to enter into compact for regulation of mass transportation in Washington metropolitan area.

NOTES TO DECISIONS

Evidence—Sufficiency

In prosecution for wilfully, as a carrier, engaging in transportation for hire of persons by motor vehicle without first obtaining certificate of public convenience and necessity the conflicting evidence presented a question

of fact for determination by the trial judge and supported finding that arrangement between defendants and licensed carrier constituted a lease, not a charter. *Holiday Tours, Inc., et ano. v. District of Columbia* (D.C. App. 1967, 234 A.2d 179).

Evidence supported finding that arrangement, whereby defendants leased one of their own buses to a licensed carrier and carrier, without taking physical possession of bus, chartered it back to defendants, was a subterfuge, rather than a bona fide charter. *Id.*

Grandfather rights

Grandfather rights in Washington Metropolitan Area Transit Regulation Compact, expressly contemplated the issuance of certificates, without new or further proof of public convenience and necessity, to those "bona fide engaged in transportation" on the effective date of the statute. *D.C. Transit System, Inc. v. Washington Metropolitan Area Transit Commission, et ano.* (1967, 376 F.2d 765, — U.S. App. D.C. —).

Transit operator existing prior to Washington Metropolitan Area Transit Regulation Compact was given no exclusive and permanent monopolies, and commission could, with due observance of requirements of statute and upon proper findings, grant certificate authority competitive with that held by prior existing certificate holder. *Id.*

Public convenience and necessity

Under Washington Metropolitan Area Transit Regulation Compact, commission could not extend routes, in District, of carriers which had, prior to compact, received authority from joint board to traverse certain streets to terminal points, in a manner competitively adverse to holder of certificate issued prior to compact without taking into account the limiting statutory conditions which involved a concept of public convenience and necessity far beyond that of carriers' passengers. *D.C. Transit System, Inc. v. Washington Metropolitan Area Transit Commission, et ano.* (1967, 376 F.2d 765, — U.S. App. D.C. —).

Under Washington Metropolitan Area Transit Regulation Compact, convenience of passengers was not, under regulatory scheme, sole criterion for extension of routes in a manner competitively adverse to holder of certificate granted prior to compact. *Id.*

SUBCHAPTER III.—RAIL RAPID TRANSIT

§ 1-1422. Facilities authorized.

(b) The work authorized by this section shall be subject to the provisions of the National Capital Transportation Act of 1960 [sections 1-1401 to 1-1409] shall be carried out substantially in accordance with the plans and schedules contained in the afore-said report, as modified in the report of the Agency entitled "Revised Transit Development Program for the Nation's Capital, 1967", and shall be subject to the following:

(As amended Dec. 20, 1967, Pub. L. 90-220, § 1, 81 Stat. 670.)

AMENDMENT

1967—Act Dec. 20, 1967, Pub. L. 90-220, amended the portion of subsection (b) which precedes paragraph (1) to read as above set out.

SUBCHAPTER IV.—WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY COMPACT

§ 1-1431. Consent of Congress given for, and adoption of, compact amending compact set out under section 1-1410.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(425) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, with respect to appointing two directors as specified in section 5(a) of the compact set out as a note to this section. The appointments to be made from a group of individuals, as specified in par. 425 of the Plan, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to this title.

TITLE 1.—ADMINISTRATION, APPENDIX

REORGANIZATION PLANS AND ORDERS FOR DISTRICT OF COLUMBIA

REORGANIZATION PLAN NO. 3 OF 1967

(32 F.R. 11669, F.R. Doc. 67-9507; Filed, Aug. 11, 1967, 8:45 a.m.)

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 1, 1967, pursuant to the provisions of chapter 9 of title 5 of the United States Code. Except for Part IV and sections 501, 502, and 503 the plan became effective August 11, 1967. Part IV and sections 501, 502, and 503 became effective November 3, 1967, when the nine members of the District of Columbia Council, took office.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

PART I. GENERAL PROVISIONS

SECTION 101. *Definitions.* (a) As used in this reorganization plan, the term "the Corporation" means the body-corporate for municipal purposes created a government by the name of the "District of Columbia."

(b) References in this reorganization plan to any provision of the District of Columbia Code are references to the provisions of statutory law codified under that provision and include the said provision as amended, modified, or supplemented prior to the effective date of this reorganization plan (including modifications made by Reorganization Plan No. 5 of 1952 (66 Stat. 824)).

SEC. 102. *Reorganization.* The Corporation is hereby reorganized as provided in the following Parts of this reorganization plan.

PART II. DISTRICT OF COLUMBIA COUNCIL

SEC. 201. *Establishment of the Council.* (a) There is hereby established in the Corporation a Council which shall be known as the "District of Columbia Council" (hereinafter referred to as the Council).

(b) The Council shall be composed of a Chairman of the Council, a Vice Chairman of the Council, and seven other members, all of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate. At the time of his appointment each member of the Council shall be a citizen of the United States, shall have been an actual resident of the District of Columbia for three years next preceding his appointment, and shall during that period have claimed residence nowhere else. The Council shall be nonpartisan and no more than six of its members shall be adherents of any one political party. Appointments to the Council shall be made with a view toward achieving a Council membership which will be broadly representative of the District of Columbia community.

(c) One or more of the nine Council members hereinabove provided for may be appointed from among (1) retired civilian employees of the Government, (2) retired personnel of the armed services of the United States, and (3) retired personnel of the Corporation. Any person so appointed shall be eligible to receive the compensation provided for in section 204 hereof and appointment hereunder shall not affect his right to receive annuity, pension, or retired pay to which he is otherwise entitled.

(d) Three of the appointments first made under this section shall be for terms expiring February 1, 1968, three shall be for terms expiring February 1, 1969, and three shall be for terms expiring February 1, 1970; and thereafter appointments shall be made for terms of three years. Any appointment made to fill a vacancy shall be made only for the unexpired balance of the term. Any member of the Council may continue to serve as such member after the expiration of his term of office until his successor is appointed and qualifies. Any member of the Council may

be removed by the President of the United States for neglect of duty or malfeasance in office or when the member has been found guilty of a felony or conduct involving moral turpitude.

(e) Each member of the Council before entering upon the discharge of his duties as such member shall take an oath or affirmation to support the Constitution of the United States and to faithfully discharge the duties imposed upon him as such member.

(f) Five members of the Council shall constitute a quorum for the transaction of business of the Council, except that four members shall constitute a quorum whenever two or more Council memberships are vacant.

SEC. 202. *Acting Chairman.* During the absence or disability of the Chairman of the Council, or whenever there be no Chairman, the Vice Chairman shall act as Chairman of the Council.

SEC. 203. *Secretary of the Council.* (a) There is hereby established the office of the Secretary of the Council. The Secretary shall be appointed by the Council from time to time.

(b) The Secretary shall perform such duties, and shall provide such services for the Council and its members, as the Council may prescribe. Personnel appointed to assist the Secretary in carrying out his responsibilities under this section shall be appointed by the Secretary subject to the approval of the Council.

SEC. 204. *Compensation.* The Chairman of the Council shall receive compensation at the rate of \$10,000 per annum, the Vice Chairman shall receive compensation at the rate of \$9,000 per annum, and each other member of the Council shall receive compensation at the rate of \$7,500 per annum. The Secretary of the Council shall receive compensation determined in accordance with the classification laws as amended from time to time.

SEC. 205. *Performance of functions of the Council.* (a) The Council is hereby authorized to make from time to time such provisions as it deems appropriate to authorize the performance of any of its functions by the Commissioner of the District of Columbia (hereinafter provided for).

(b) The Council is hereby authorized to make from time to time, subject to the concurrence of the Commissioner of the District of Columbia, such provisions as it deems appropriate to authorize the performance of any of its functions by any officer, agency, or employee of the Corporation except the courts thereof.

(c) All functions provided for in regulations of the Council (including existing regulations continued in force without action by the Council) which are to be carried out by any officer, employee, or agency, who or which is in other respects under the jurisdiction of the Commissioner of the District of Columbia shall be carried out by such officer, employee, or agency under the direction and control of the Commissioner.

PART III. COMMISSIONER OF THE DISTRICT OF COLUMBIA

SEC. 301. *Establishment of office of Commissioner.* (a) There is hereby established in the Corporation an office with the title of "Commissioner of the District of Columbia." The officer who holds that office is hereinafter referred to as the Commissioner.

(b) The Commissioner shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The Commissioner shall at the time of his appointment be a citizen of the United States. Before entering upon the discharge of his duties the Commissioner shall take an oath or affirmation to support the Constitution of the United States and faithfully discharge the duties imposed upon him as Commissioner. The Commissioner shall receive compensation at the rate now or hereafter prescribed by law for offices and positions of

Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). Whenever both a Commissioner and an Assistant to the Commissioner appointed under section 302 hereof are in office at least one of them shall have been an actual resident of the District of Columbia for three years next preceding his appointment and have during that period claimed residence nowhere else. Both the Commissioner and the Assistant to the Commissioner shall reside in the District of Columbia during the time each holds office.

(c) The first appointment of a Commissioner hereunder shall be for a term expiring on February 1, 1969, and thereafter each appointment shall be made for a term of four years. Any appointment made to fill a vacancy in the office shall be made only for the unexpired balance of the term. A Commissioner may continue to serve as such after the expiration of his term of office until his successor is appointed and qualifies. The Commissioner is subject to removal by the President of the United States.

(d) The President may from time to time (1) designate officials of the Corporation (including the Chairman, the Vice Chairman, and the other members of the Council provided for in Part II of this reorganization plan if the President so elects) to act as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in the office of Commissioner, and (2) prescribe the order of succession in which the officials so designated shall so act.

SEC. 302. *Assistant to the Commissioner.* There is hereby established in the Corporation a new office which shall have the title "Assistant to the Commissioner of the District of Columbia." Such assistant (1) shall be appointed by the President of the United States, by and with the advice and consent of the Senate, (2) shall receive compensation at the rate now or hereafter prescribed by law for offices and positions of Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316), and (3) shall assist the Commissioner as the Commissioner may direct in connection with the carrying out of the functions of the Commissioner.

SEC. 303. *Establishment of other new offices.* There are hereby established in the Corporation so many agencies and offices, with such names or titles, as the Commissioner shall from time to time determine. The said offices shall be filled by appointment by, or under the authority of, the Commissioner. Each officer so appointed shall perform the functions delegated or otherwise assigned to him in pursuance of this reorganization plan and shall receive compensation to be fixed in accordance with the classification laws as amended from time to time.

SEC. 304. *Transfer of personnel, property, records, and funds.* With respect to personnel, property, records, and unexpended balances of appropriations, allocations and other funds, available or to be made available, relating to functions transferred by the provisions of this reorganization plan, the Commissioner may from time to time effect such transfers between the agencies of the Corporation (including transfers between the Commissioner and any other agency of the Corporation) as he may deem necessary in order to carry out the provisions of this reorganization plan.

SEC. 305. *Performance of functions of Commissioner.* The Commissioner is hereby authorized to make from time to time such provisions as he deems appropriate to authorize performance of his functions by any other officer, or by any employee or agency, of the Corporation except the courts thereof.

PART IV. TRANSFERS OF FUNCTIONS

SEC. 401. *Transfer of functions to Commissioner.* Except as otherwise provided in this reorganization plan, all functions of the Board of Commissioners of the District of Columbia, including all functions of the President of that Board and all functions of each other member of that Board and including also the executive power vested therein (D.C. Code, sec. 1-218), are hereby transferred to the Commissioner of the District of Columbia.

SEC. 402. *Transfer of functions to Council.* The following regulatory and other functions now vested in the Board of Commissioners of the District of Columbia are hereby transferred to the Council (subject to the provisions of section 406 of this reorganization plan):

1. General provisions

(1) Making and modifying police regulations under D.C. Code, sec. 1-224 (including the prescribing of penalties under paragraph "Eleventh" thereof).

(2) Prescribing penalties under D.C. Code, sec. 1-224a.

(3) Making and modifying regulations to regulate the keeping and leashing of dogs, and to regulate or prohibit the running at large of dogs, including penalties for violations of such regulations, under D.C. Code, sec. 1-224b.

(4) Making regulations under D.C. Code, secs. 1-226 and 1-227.

(5) Making building regulations under D.C. Code, sec. 1-228.

(6) Making and publishing such orders as may be necessary to regulate the construction, repair and operation of elevators and prescribing such means of security as may be found necessary to protect life and limb under D.C. Code, sec. 1-229.

(7) Issuing proclamations related to the control of rabies under D.C. Code, sec. 1-230.

(8) Making regulations relating to outdoor signs and other forms of exterior advertising under D.C. Code, sec. 1-231.

(9) With respect to the functions transferred to the Council by the provisions of this reorganization plan, (i) making investigations or examinations of municipal matters, and (ii) administering oaths to witnesses, under D.C. Code, sec. 1-237.

(10) Reporting annually to the Congress concerning the functions transferred to the Council by the provisions of this reorganization plan under D.C. Code, sec. 1-238.

(11) Making regulations to provide for the waiver of payment of fees (by persons in the military service of the United States) under D.C. Code, sec. 1-244(a).

(12) Making and adopting regulations relating to the furnishing and keeping in force a bond by persons, firms, or corporations engaged in the business of plumbing or gas fitting, or of installing, maintaining, or repairing heating, ventilating, air-conditioning, or mechanical refrigerating apparatus, equipment, appliances, systems, or parts thereof, or of installing, maintaining, or repairing apparatus, equipment, fixtures, appliances, or wiring, using or conducting electric current under D.C. Code, sec. 1-244(b).

(13) Prescribing regulations for the examination of the qualifications and fitness of applicants for licenses to engage in the business referred to in the immediately preceding paragraph hereof under D.C. Code, sec. 1-244(b).

(14) Naming highways and naming and renaming circles, bridges, buildings, or other public places or properties under D.C. Code, sec. 1-244(f).

(15) Prescribing penalties under D.C. Code, sec. 1-244(h).

(16) Fixing and changing periods for which licenses, certificates, or registrations may be issued under D.C. Code, sec. 1-257.

(17) Prescribing regulations relating to holidays for District of Columbia employees under D.C. Code, sec. 1-260.

(18) The reception and entertainment of officials of foreign, State, local, or Federal governments and other dignitaries and eminent persons visiting in or returning to the District of Columbia under D.C. Code, sec. 1-262.

(19) Prescribing penalties under D.C. Code, sec. 1-264.

(20) Prescribing rules and regulations relating to notaries public under D.C. Code, sec. 1-501.

(21) Making and publishing general orders regulating the platting and subdividing of lands and grounds under D.C. Code, sec. 1-613.

(22) Prescribing a schedule of fees for surveyor's services under D.C. Code, sec. 1-629.

(23) Exempting certain boilers from provision prohibiting using steam boilers without first obtaining certificate of inspection under D.C. Code, sec. 1-705.

(24) Making regulations to carry out the provisions of the Act of June 25, 1936 under section 14 of that Act (D.C. Code, sec. 1-715).

(25) Making rules and regulations respecting the production, use, and control of electricity, and prescribing fees, under D.C. Code, sec. 1-719.

(26) Making and modifying regulations governing plumbing, house drainage, and sewers, and making and

modifying regulations governing the examination, registration, and licensing of plumbers and the practice of the business of plumbing and gas fitting, under D.C. Code, sec. 1-725.

(27) Establishing fees for permits to connect buildings, premises, or establishments with sewer, water, or gas mains, or other underground structures, and establishing fees for permits granted to make excavations, under D.C. Code, sec. 1-726.

(28) Consulting concerning the formation of one or more citizen advisory councils under D.C. Code, sec. 1-1004 (e) (40 U.S.C. 71c(e)).

(29) Defining and redefining the central area of the District of Columbia under D.C. Code, sec. 1-1005(c) (40 U.S.C. 71d(c)).

(30) Approving a major thoroughfare plan or parts thereof or revisions thereof, and proposing revision of the major thoroughfare plan or parts thereof, under D.C. Code, sec. 1-1006(a) (40 U.S.C. 71e(a)).

(31) Consulting with National Capital Planning Commission prior to final adoption of the thoroughfare plan under D.C. Code, sec. 1-1006(b) (40 U.S.C. 71e(b)).

(32) Submitting a copy of the District's advance program of capital improvements to the National Capital Planning Commission under D.C. Code, sec. 1-1007 (40 U.S.C. 71f).

(33) With respect to each inaugural period: (i) making regulations necessary to secure the preservation of public order and protection of life, health, and property, (ii) making regulations respecting the standing, movement, and operation of vehicles, (iii) fixing conditions with respect to licenses to peddlers and vendors, and (iv) fixing fees for the privilege of selling goods, wares, and merchandise, under D.C. Code, sec. 1-1202 (36 U.S.C. 722).

2. Regulation of professions, occupations, etc.

(34) Making and altering rules for the conduct of business of agency administering, and for the execution and enforcement of, the Healing Arts Practice Act of 1928, under D.C. Code, sec. 2-103, and adopting and altering a common seal thereunder.

(35) Establishing minimum standards of preprofessional and professional education in the healing art and establishing minimum standards for hospitals for interne training under D.C. Code, sec. 2-103a(a).

(36) Adopting and promulgating rules and regulations prescribing (i) the terms and conditions under which a tissue bank license may be issued and renewed, (ii) the fees to be paid by the issuance and renewal of such licenses, (iii) the duration of such licenses, (iv) the grounds for the suspension and revocation of such licenses, (v) the operation of tissue banks, (vi) the conditions under which tissue may be processed, preserved, stored, and transported, and (vii) the making, keeping, and disposition of records by tissue banks and by other persons under D.C. Code, sec. 2-253(b).

(37) Making and adopting rules and regulations to effect the purposes of the Act of July 2, 1940, relating to the licensing of dentists and the practice of dentistry (including the making of rules regulating professional announcements and the number of offices of a licensed dentist and including also the prescribing of rules and regulations to permit the use in hospitals of dental internes) under D.C. Code, sec. 2-302.

(38) Adopting and amending by-laws carrying into effect the Act of February 9, 1907, relating to the registration of graduate nurses, under D.C. Code, secs. 2-403 and 2-406.

(39) Fixing, under D.C. Code, sec. 2-408, the fees referred to in clause (c) thereof.

(40) Adopting and prescribing rules and regulations to carry into effect the Act of September 6, 1960, and prescribing minimum curricula and standards for schools and programs, under D.C. Code, sec. 2-427(a).

(41) Obtaining or requiring the furnishing of information under oath or affirmation or otherwise necessary to assist in prescribing any regulation under the Act of September 6, 1960, under D.C. Code, sec. 2-427(b).

(42) With respect to the functions transferred by the paragraph immediately preceding this paragraph, administering oaths and affirmations, requiring by subpoena or otherwise the attendance and testimony of witnesses and the production of documents, and making application

to the Court for an order requiring obedience thereto, under D.C. Code, sec. 2-427(b).

(43) Determining the qualifications, prescribing the terms of office, and fixing the compensation of members of the physical therapists examining board under D.C. Code, sec. 2-455.

(44) Adopting and prescribing rules and regulations to carry into effect the Act of September 22, 1961, under D.C. Code, sec. 2-456(a).

(45) Obtaining or requiring the furnishing of information under oath or affirmation or otherwise necessary to assist in prescribing any regulation under the Act of September 22, 1961 under D.C. Code, sec. 2-456(b).

(46) With respect to the functions transferred by the paragraph immediately preceding this paragraph, administering oaths and affirmations, requiring by subpoena or otherwise the attendance and testimony of witnesses and the production of documents, and making application to the Court for an order requiring obedience thereto, under D.C. Code, sec. 2-456(b).

(47) Changing the periods for which registrations as physical therapists or renewals thereof may be issued under D.C. Code, sec. 2-461(a).

(48) Altering, amending, or otherwise changing educational standards (relating to optometrists) under D.C. Code, sec. 2-512.

(49) Making and altering rules for the conduct of business of agency administering, and for the execution and enforcement of, the Act of May 7, 1906, under D.C. Code, sec. 2-608.

(50) Adopting rules and regulations respecting the eligibility of candidates for admission to the practice of podiatry and the scope of examinations, under D.C. Code, sec. 2-702, and adopting a seal thereunder.

(51) Making, altering, and amending rules and regulations to carry into effect the provisions of the Act of February 1, 1907, relating to veterinarians, and requiring the giving of bond and prescribing the form and penalty thereof, under D.C. Code, sec. 2-802.

(52) Determining, authorizing, and directing the subjects to be included in examinations for veterinarians under D.C. Code, sec. 2-803.

(53) Making reciprocal arrangements with authorities of the several states and territories of the United States concerning the licensing of veterinarians under D.C. Code, sec. 2-804.

(54) Making rules for the examination and registration of applicants for (architects') certificates under D.C. Code, sec. 2-1001.

(55) Fixing fees, relating to architects and applicants, under D.C. Code, sec. 2-1023.

(56) With respect to the functions transferred by paragraphs (54) and (55), above, requiring the attendance of persons and the production of books and papers, requiring persons to testify, issuing subpoenas, and referring matters to a judge, under D.C. Code, sec. 2-1029.

(57) Adopting rules and sanitary regulations to carry out the provisions of the Act of June 7, 1938 (relating to barbers) under D.C. Code, sec. 2-1103.

(58) Making and issuing regulations (relating to the posting of prices in barber shops and violations of such regulations) under D.C. Code, sec. 2-1114a.

(59) Making and amending rules and regulations to carry out the purposes of the Act of December 20, 1944 (relating to boxing contests and exhibitions), under D.C. Code, sec. 2-1212.

(60) Making rules and regulations to carry out the provisions of the Act of June 7, 1938 (relating to cosmetologists) under D.C. Code, sec. 2-1303.

(61) Fixing fees for licenses (relating to plumbers) under D.C. Code, sec. 2-1405.

(62) Providing rules and regulations (relating to examinations for steam and other operating engineers), and prescribing tests to which engines and steam boilers shall be subjected, under D.C. Code, sec. 2-1502.

(63) All authority and responsibilities of the Board of Commissioners of the District of Columbia under D.C. Code, secs. 2-1724, 2-1727, and 2-1728 (relating to the District of Columbia Stadium).

(64) Regulating the certification of engineers-in-training, and prescribing examinations for the purpose of testing the applicant's knowledge, under D.C. Code, sec. 2-1808(c).

(65) Prescribing a certificate for issuance to applicants who meet requirements for certification as engineers-in-training under D.C. Code, sec. 2-1808(j).

(66) Adopting an official seal under D.C. Code, sec. 2-1808(l).

(67) Adopting, amending, rescinding, and promulgating administrative rules and regulations to carry into effect the Act of September 19, 1950, under D.C. Code, sec. 2-1808(n).

(68) With respect to other functions transferred to the Council by the provisions of this reorganization plan, requiring the attendance of witnesses and the production of books and papers, requiring witnesses to testify, issuing subpoenas, and referring matters to a judge under D.C. Code, sec. 2-1808(o).

(69) Fixing the form and amount of bond required to be furnished under D.C. Code, sec. 2-1813.

(70) Prescribing additional information to be contained in applications for pawnbrokers' licenses under D.C. Code, sec. 2-2003(b)(4).

(71) Making rules and regulations for the enforcement of the Act of August 6, 1956, under D.C. Code, sec. 2-2007(a).

(72) Determining or fixing a maximum rate of interest for pawnbroker loans and redetermining and refixing any such maximum rate under D.C. Code, sec. 2-2009(a).

(73) Making rules and regulations to carry out the Act of August 6, 1956 (relating to pawnbrokers) under D.C. Code, sec. 2-2017.

(74) Prescribing by regulation the form of and the information to be contained in solicitor information cards, and prescribing the manner of reproduction and authentication of such cards, under D.C. Code, sec. 2-2102(a)(7).

(75) Prescribing by regulation the terms and conditions for exempting solicitations from certain provisions of the Act of July 10, 1957, under D.C. Code, sec. 2-2103(d).

(76) Prescribing the form or forms of application for certificate of registration, and requiring by regulation the information to be contained in each such application, under D.C. Code, sec. 2-2104(a).

(77) Promulgating regulations to carry out the Act of July 10, 1957 (relating to charitable solicitations) under D.C. Code, sec. 2-2110.

(78) Requiring the furnishing of bond as a condition to the issuance of license to engage in the home improvement business under D.C. Code, sec. 2-2301.

(79) Establishing classes and subclasses of persons licensed to engage in the home improvement business, and specifying the amount and conditions of the bond or other security to be deposited by each member of any such class or subclass, under D.C. Code, sec. 2-2302(a).

(80) By regulation, requiring applicants for licenses or licensees (i) to furnish and keep in force a bond or bonds or other security, and (ii) to procure and keep in force public liability insurance or property damage insurance, or both, under D.C. Code, sec. 2-2302(a)(1) and (2).

3. Public welfare

(81) Making rules and regulations relating to the admission of persons to institutions under D.C. Code, sec. 3-108.

(82) Establishing rules for receiving and temporarily caring for children under D.C. Code, sec. 3-116.

(83) Establishing rules and regulations to carry out the provisions of the Act of October 15, 1962 (relating to public assistance) under D.C. Code, sec. 3-202(b)(2).

(84) Approving regulations in accordance with which shall be determined the amount of public assistance which any person shall receive under D.C. Code, sec. 3-204(a).

(85) Prescribing the manner and form in which application for public assistance shall be made, under D.C. Code, sec. 3-205.

(86) Prescribing regulations governing the custody, use, and preservation of records, papers, files and communications relating to public assistance under D.C. Code, sec. 3-211(a).

(87) Approving rules and regulations relating to funeral expenses under D.C. Code, sec. 3-213.

(88) Prescribing rules and regulations in accordance with which hearings shall be conducted under D.C. Code, sec. 3-214.

4. Police and fire

(89) Subdividing the Metropolitan Police District into police districts and precincts under D.C. Code, sec. 4-102.

(90) Determining and fixing limits of age for appointments to the police department under D.C. Code, sec. 4-107.

(91) Prescribing general regulations regarding special policemen under D.C. Code, sec. 4-115.

(92) Making rules and regulations under D.C. Code, sec. 4-117.

(93) Making and modifying rules and regulations for the proper government, conduct, discipline, and good name of the Metropolitan Police force, and fixing penalties, under D.C. Code, sec. 4-121.

(94) Making and amending rules of procedure before trial boards under D.C. Code, sec. 4-122.

(95) Changing, altering, amending, or abolishing rules and regulations of the Metropolitan Police Force under the last proviso of D.C. Code, sec. 4-122.

(96) Providing rules for uniform clothing of the police force under D.C. Code, sec. 4-130.

(97) Prescribing the area constituting the "Washington, District of Columbia, metropolitan district" under D.C. Code, sec. 4-132a(b).

(98) Causing the Metropolitan Police force to keep records under D.C. Code, sec. 4-134(5).

(99) Determining traffic violations and other petty offenses with respect to which records are not required to be kept under D.C. Code, sec. 4-134a(a).

(100) Making rules and regulations regarding the written return of arrests under D.C. Code, sec. 4-142.

(101) Making rules and regulations in reference to the detention of witnesses under D.C. Code, sec. 4-144.

(102) Providing by regulation for disposition of property under the proviso of D.C. Code, sec. 4-156(e).

(103) Determining by regulation the disposition of property under D.C. Code, sec. 4-159(c).

(104) Determining, by regulation, disposition of property under D.C. Code, sec. 4-160(a).

(105) By regulation requiring that bonds be furnished and kept in force by persons licensed as private detectives under D.C. Code, sec. 4-171a.

(106) Fixing amounts of bonds obtained to secure against loss resulting from any act of dishonesty or other act by any officer of the Metropolitan Police Force under D.C. Code, sec. 4-186.

(107) Making, altering, or amending rules and regulations relating to officers and members of the fire department, and changing the rules and regulations of the fire department promulgated before June 20, 1906, under D.C. Code, sec. 4-402.

(108) Determining and fixing limits of age for original appointments to the fire department under D.C. Code, sec. 4-403.

(109) Prescribing rules and regulations for installing in suburbs extra apparatus and appliances belonging to the fire department under D.C. Code, sec. 4-411.

(110) Entering into and renewing reciprocal agreements under D.C. Code, sec. 4-414(a).

(111) Promulgating rules and regulations regarding the selection and reporting of the names of privates and sergeants possessed of outstanding efficiency under D.C. Code, sec. 4-802.

(112) Promulgating regulations regarding additional compensation for working on holidays under D.C. Code, sec. 4-807.

(113) Designating holidays with respect to officers and members of the Metropolitan Police force and the Fire Department under D.C. Code, sec. 4-808.

(114) Promulgating regulations to carry out the intent and purposes of the Act of August 1, 1958 under D.C. Code, sec. 4-835.

(115) Promulgating regulations (regarding determination whether injury or disease resulted from the performance of duty) under D.C. Code, sec. 4-909(b) (5 U.S.C. 6324(b)).

5. Building restrictions and regulations

(116) Making regulations for the care and preservation of parkings (established under the Act of June 21, 1906) under D.C. Code, sec. 5-205.

(117) Determining numbers and material, type, and construction of fire escapes under D.C. Code, sec. 5-301.

(118) Adopting regulations to accomplish the purposes and carry into effect the provisions of the Act of March 19, 1906 (relating to fire escapes and safety) under D.C. Code, sec. 5-304.

(119) Promulgating regulations requiring the provision, installation, and maintenance of means of egress, guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, alarm gongs, striking stations, and other appliances under D.C. Code, sec. 5-317.

(120) Regulating the maximum height of buildings on blocks immediately adjacent to public buildings or to the side of any public building for which plans have been prepared and money appropriated at the time of the application for the permit to construct the building under D.C. Code, sec. 5-405.

(121) Preparing (in consultation with the National Capital Planning Commission) plats defining the areas within which applications for building permits shall be submitted to the Commission of Fine Arts under D.C. Code, sec. 5-411.

(122) Approving boundaries of project areas and redevelopment plans and modifications of redevelopment plans under D.C. Code, secs. 5-705 and 5-711.

(123) Approving the entering by the District of Columbia Redevelopment Land Agency into contracts and agreements, relating to financial assistance, under D.C. Code, sec. 5-717a(a).

(124) Approving the acceptance by the District of Columbia Redevelopment Land Agency of advances of funds for surveys and plans, and approving transfers of funds by that Agency to the National Capital Planning Commission, under D.C. Code, sec. 5-717a(b).

(125) Entering into agreements with the District of Columbia Redevelopment Land Agency respecting certain cash payments from funds of the District of Columbia under D.C. Code, sec. 5-717a(d).

(126) Approving releases, modifications, and departures from features and details of approved redevelopment plans under D.C. Code, sec. 5-718(a).

(127) Transferring all right, title, and interest in and to part or all of certain property to the District of Columbia Redevelopment Land Agency under D.C. Code, sec. 5-720.

(128) Determining whether such property is necessary to the development of the southwest section in accordance with an approved urban renewal plan, determining how much of the property is necessary to carry out such urban renewal plan, and transferring and donating to the Agency all right, title, and interest of the United States in and to the property under D.C. Code, sec. 5-721.

(129) Transferring to the District of Columbia Redevelopment Land Agency jurisdiction regarding transferred property under D.C. Code, sec. 5-722.

(130) Prescribing regulations for making relocation payments to individuals, families, business concerns, and non-profit organizations for their moving expenses and actual direct losses caused by their displacement from real property acquired for public works projects under D.C. Code, sec. 5-729.

(131) Making regulations to carry out the purposes of the Act of October 6, 1964 under D.C. Code, sec. 5-732.

(132) Adopting regulations to bring horizontal property regimes into compliance with the laws and regulations in effect in the District of Columbia under D.C. Code, sec. 5-928.

6. Health and safety

(133) Altering, amending, or repealing ordinances of the former Board of Health which were legalized by the Act of April 24, 1880 under D.C. Code, sec. 6-114.

(134) Promulgating rules and regulations to prevent and control the spread of communicable diseases under D.C. Code, sec. 6-118.

(135) By regulation, denominating the diseases within the meaning of "communicable diseases" under D.C. Code, sec. 6-119.

(136) Prescribing penalties for violation of communicable disease regulations under D.C. Code, sec. 6-119h.

(137) Making rules and regulations governing the certification of the given name of a child under D.C. Code, sec. 6-301(a).

(138) Adopting rules and regulations governing the filing of reports of births and the issuance of delayed birth certificates under D.C. Code, sec. 6-301(b).

(139) Making regulations for the collection and disposition of garbage and annexing penalties to such regulations under D.C. Code, sec. 6-501.

(140) Making regulations to carry out the purposes of the Act of March 4, 1929 (relating to combustible refuse) under D.C. Code, sec. 6-507.

(141) Specifying fees for disposing of combustible material in incinerators built by the District of Columbia, and designating routes for hauling or transporting the material, under D.C. Code, sec. 6-511.

(142) Prescribing by regulation the manner of describing, on mattress tags, material used in mattresses under D.C. Code, sec. 6-603.

(143) Making regulations to regulate the design, construction, and maintenance of disposal systems, and the handling, storage, treatment, and disposal of wastes, under D.C. Code, sec. 6-703.

(144) Making and promulgating classifications and regulations for the installation and operation of combustion and other devices susceptible for use in such manner as to violate purposes of smoke prevention law, amending or rescinding such regulations, and promulgating amended for additional regulations under D.C. Code, sec. 6-802.

(145) Making rules and regulations to carry out authority to take measures for the protection of persons and property under D.C. Code, sec. 6-1009 (preamble).

(146) Making regulations to govern the establishment, maintenance, and operation of civil defense units and organizations and the discipline of the members thereof under D.C. Code, sec. 6-1009(a).

(147) Prescribing penalties for violations of regulations promulgated pursuant to the Act of December 26, 1941 under D.C. Code, sec. 6-1010.

(148) Promulgating regulations requiring that cancer, sarcoma, lymphoma (including Hodgkin's disease), leukemia, and all other malignant growths be reported under D.C. Code, sec. 6-1301.

(149) Prescribing a penalty or fine for the violation of any regulation promulgated under the Act of July 27, 1951 under D.C. Code, sec. 6-1304.

7. Highways, streets, and bridges

(150) Making regulations for keeping in repair streets, avenues, alleys, sewers, and other works under D.C. Code, sec. 7-101.

(151) Changing the name of any street, road, avenue, or other highway when there is duplication of names under D.C. Code, sec. 7-106.

(152) Naming or renaming streets, avenues, alleys, highways, and reservations under D.C. Code, sec. 7-107.

(153) Determining the extent to which plans for the extension of a permanent system of highways may be out of conformity with the street plan of the city of Washington under D.C. Code, sec. 7-108.

(154) Naming streets, avenues, alleys, and reservations under D.C. Code, secs. 7-112 and 7-116.

(155) Abandoning or readjusting streets or proposed streets (in order to provide grounds for educational, religious, or similar institutions) under D.C. Code, sec. 7-113.

(156) Determining the extent to which plans for the extension of highways may be out of conformity with street plan, and naming streets, avenues, alleys, and reservations, under D.C. Code, sec. 7-116.

(157) Accepting the dedication of streets, prescribing regulations in regard to the height of parking and the projection of buildings beyond the building line, and making determinations respecting the District of Columbia having right-of-way through parking, under D.C. Code, sec. 7-117.

(158) Determining the extent to which new highway plans may be out of conformity with the street plan under D.C. Code, sec. 7-122.

(159) Opening, extending, or widening streets, avenues, roads, or highways under D.C. Code, sec. 7-201.

(160) Closing alleys or parts of alleys under D.C. Code, sec. 7-302.

(161) Accepting the dedication of alleys, and closing existing alleys, under D.C. Code, sec. 7-303.

(162) Closing alleys or parts of alleys under D.C. Code, sec. 7-304.

(163) Closing alleys under D.C. Code, sec. 7-305.

(164) Making orders declaring existing alleyways closed and opening new substitute alleyways, under D.C. Code, sec. 7-306.

(165) Making an order canceling existing subdivision of any square and obliterating alleys therein under D.C. Code, sec. 7-308.

(166) Closing alleys or parts of alleys under D.C. Code, sec. 7-309.

(167) Setting land aside for alley purposes under D.C. Code, sec. 7-310.

(168) Closing any street, road, highway, or alley, or any part of any thereof (including the making of the required finding thereon) under D.C. Code, sec. 7-401.

(169) Making regulations for the safety of the public using bridges and for the lighting and the police control of bridges under D.C. Code, sec. 7-501.

(170) Ordering the removal of abandoned street railway tracks, settling claims against D.C. Transit System, Inc., for the paving of abandoned track areas, and determining terms and conditions as to time of payment or payments under D.C. Code, sec. 7-604a.

(171) Regulating the location and depth of gas mains under D.C. Code, sec. 7-706.

(172) Jurisdiction and control over MacArthur Boulevard (formerly Conduit Road) and levying assessments for public improvements, under D.C. Code, sec. 7-1201 (40 U.S.C. 53a).

(173) Denominating portions of streets as business streets, and prescribing general regulations, under D.C. Code, sec. 7-1205.

(174) Granting a Railroad Company permission to lay, maintain, and use sidetracks and sidings under D.C. Code, sec. 7-1210.

(175) Approving the point or points at which additional stations or depots may be constructed, established, and maintained, and approving plans for connecting tracks and elevated structures, under D.C. Code, sec. 7-1212.

(176) Approving the construction of railroad tracks and appurtenant turnouts, branch tracks, and sidings under D.C. Code, sec. 7-1218; and approving plans for the construction of branch sidings under the Act of September 26, 1961 (D.C. Code, note at sec. 7-1218).

(177) Approving the location and construction of railroad tracks, turnouts, branch tracks, spurs, and sidings, under D.C. Code, sec. 7-1219.

(178) Approving wage rates fixed and adjusted from time to time by a wage board, under D.C. Code, sec. 7-1236.

8. Parks

(179) Setting aside space in the streets and avenues for park purposes, denominating portions of streets as business streets, and prescribing general regulations under D.C. Code, sec. 8-108.

(180) Jurisdiction and control of the street parking in streets and avenues under D.C. Code, sec. 8-110.

(181) Transferring jurisdiction over properties or parts thereof to Federal authorities, and accepting from Federal authorities jurisdiction over properties or parts thereof, under D.C. Code, sec. 8-115 (40 U.S.C. 122).

(182) Making rules and regulations for the management of a public convenience station, and fixing charges for the use of such station under D.C. Code, sec. 8-138.

(183) Making rules and regulations for the management of public convenience stations, and fixing charges for the use of the conveniences, under D.C. Code, sec. 8-140.

(184) Accepting land and dedications of land under D.C. Code, sec. 8-162.

(185) Making regulations relating to a beach and dressing houses under D.C. Code, sec. 8-168.

9. Public buildings and grounds

(186) Making rules and regulations for the government and control of wharves, piers, bulkheads, structures, adjacent waters, basins, slips, docks, and land under water under D.C. Code, sec. 9-101.

(187) Making rules and regulations for the government and proper care of property and annexing penalties to said rules and regulations, and making rules and regulations in regard to building and repairing wharves, the rental thereof, and the rate of wharfage, under D.C. Code, sec. 9-102.

(188) Fixing penalties of bonds of employees under D.C. Code, sec. 9-134(a).

(189) Prescribing by regulation the uniform and identification badge to be worn by individuals under D.C. Code, sec. 9-134(b).

(190) Making and amending regulations for the protection of life and property in or on institutional buildings or grounds under D.C. Code, sec. 9-135.

(191) Acquiring certain squares and reservations, including buildings and other structures thereon, as a site for a municipal center, and closing and vacating portions of streets and alleys, under D.C. Code, sec. 9-201.

(192) Making the finding that real estate is no longer required for a public purpose, under D.C. Code, sec. 9-301 (40 U.S.C. 72c).

(193) Exchanging District-owned land or part thereof under D.C. Code, sec. 9-401.

10. Weights, measures, and markets

(194) Prescribing the manner of approving and sealing, stamping, or marking devices or appliances under D.C. Code, sec. 10-103.

(195) Establishing and allowing variation, tolerances, and exemptions, as to small packages, under D.C. Code, sec. 10-117.

(196) Fixing standard loads by which split wood may be sold under D.C. Code, sec. 10-118.

(197) Establishing tolerances and specifications for scales, weights, measures, weighing or measuring instruments or devices, and containers under D.C. Code, sec. 10-127.

(198) Prescribing regulations governing the granting of licenses for the location of public scales, and approving and fixing fees, under D.C. Code, sec. 10-128.

(199) Making regulations for the control, regulation, and supervision of markets under D.C. Code, sec. 10-130.

(200) Making regulations for the control, regulation, and operation of the municipal fish wharf and market under D.C. Code, sec. 10-135.

(201) Making and promulgating rules and regulations for the control and operation of the wholesale farmers' produce market, and establishing a scale of charges, under D.C. Code, sec. 10-137.

11. Feeble-minded persons

(202) Adopting regulations relating to receiving feeble-minded persons into the District Training School under D.C. Code, sec. 21-1102.

(203) Prescribing general conditions for granting paroles to patients under D.C. Code, sec. 21-1120.

12. Criminal offenses

(204) Restricting, prohibiting, regulating, and controlling hunting and fishing and the taking, possession, and sale of wild animals under D.C. Code, sec. 22-1628.

(205) Prescribing regulations regarding the disposal of property under D.C. Code, sec. 22-1630(a) (last sentence).

(206) Making, altering, and amending harbor regulations under D.C. Code, sec. 22-1701.

(207) Establishing rules and regulations for the administration of the Act of August 12, 1937 (relating to the marking and labeling of packages of potatoes) under D.C. Code, sec. 22-3409.

(208) Making rules and regulations to carry out the Act of December 16, 1941 (relating to food which is unwholesome or unfit for use) under D.C. Code, sec. 22-3419.

13. Execution fees

(209) Fixing the fees of an executioner and his assistants for services under D.C. Code, sec. 23-702.

14. Prisoners; institutions

(210) Rules and regulations permitting the discharge of parolees under D.C. Code, sec. 24-204(b).

(211) Prescribing regulations for employment of persons sentenced to imprisonment in the jail under D.C. Code, sec. 24-412.

(212) Prescribing regulations regarding the sale of surplus products under D.C. Code, sec. 24-418.

(213) Rules and regulations for the government of institutions under D.C. Code, sec. 24-442.

15. Alcoholic beverages

(214) Prescribing other authority under D.C. Code, sec. 25-106 (last sentence).

(215) Prescribing, making, altering, and amending rules and regulations under D.C. Code, sec. 25-107.

(216) Promulgating regulations under D.C. Code, sec. 25-111(c).

(217) Requiring by regulation that no licensee holding a retailer's license, Class A, B, C, D, or E shall transport any alcoholic beverage into the District of Columbia, permitting such importation under a special permit or permits, prescribing the terms, conditions, and manner of issuance of such permit or permits, and suspending, amending, revoking, or abolishing any such regulations, permit, or system of permits under D.C. Code, sec. 25-112.

(218) Promulgating regulations to permit owners of warehouse receipts to withdraw bonded liquors under D.C. Code, sec. 25-115(c).

(219) Suspending or revoking in whole or in part the requirements of D.C. Code, sec. 25-123, under D.C. Code, sec. 25-123(c).

(220) Prescribing by regulation methods or devices or both for the assessment, evidencing of payment, and collection of taxes under D.C. Code, sec. 25-124(c) (3).

(221) Requiring that the immediate container of each beverage contain the license number of each licensee who sells or offers for sale such beverages under D.C. Code, sec. 25-124(g).

(222) Prescribing the manner of collection and payment of tax on beer under D.C. Code, sec. 25-138.

16. Charters of incorporation; money lending

(223) Granting or refusing a charter of incorporation under D.C. Code, sec. 26-305.

(224) Making rules and regulations for the conduct of business of making loans, and for the enforcement of the Act of February 4, 1913, under D.C. Code, sec. 26-611.

17. Tissue banks; crematorium

(225) By regulations, authorizing tissue banks and others to remove, transport, and dispose of tissue from dead bodies of human beings without permit under D.C. Code, sec. 27-119a.

(226) Making rules for the proper maintenance and operation of a public crematorium under D.C. Code, sec. 27-130.

18. Standard time

(227) Advancing the standard time applicable to the District of Columbia under D.C. Code, secs. 28-2711 and 28-2804.

19. Corporations

(228) Approving newspapers in which persons may give notice of intention to present to Congress bills for incorporation or for alteration or extension of corporation charters under D.C. Code, sec. 29-102.

(229) Fixing fees relating to process under D.C. Code, sec. 29-933(e) (2).

(230) Making rules and regulations relating to service of process under D.C. Code, sec. 29-933(e) (5).

(231) Providing an official seal under D.C. Code, sec. 29-935(c).

(232) Making and modifying regulations to carry out the Act of June 8, 1954, and prescribing penalties for the violation of any such regulations, under D.C. Code, sec. 29-935(f).

(233) Determining fee which shall be charged for furnishing a certificate as to the status of a corporation or as to the existence or nonexistence of facts relating to corporations under D.C. Code, sec. 29-936(b) (21).

(234) Making regulations providing for fees for services under D.C. Code, sec. 29-1092(s).

(235) Making and modifying regulations to carry out the provisions of the Act of August 6, 1962, and prescribing penalties for the violation of any such regulation, under D.C. Code, sec. 29-1093(e).

20. Education

(236) Approving amounts fixed by the Board of Education to be paid for non-residents to cover the expense of tuition and costs of textbooks and school supplies under D.C. Code, sec. 31-307(b).

(237) Approving regulations made by the Board of Education to carry out the intent and purposes of the Act of September 8, 1960 under D.C. Code, sec. 31-308(a).

(238) Making rules and regulations for the purpose of carrying into full force and effect the provisions of the Act of January 15, 1920 under D.C. Code, sec. 31-717.

(239) Prescribing regulations regarding the deposit of additional sums by any teacher, and prescribing table of mortality, under D.C. Code, sec. 31-721.

(240) Making rules and regulations for the purpose of carrying the provisions of the Act of August 7, 1946 into full force and effect under D.C. Code, sec. 31-736.

(241) Making regulations concerning (i) the form of application by officers of any medical or dental college for registration and a permit to commence or continue business, (ii) the evidence to be adduced in support thereof, and (iii) the method of taking such evidence, giving notice of hearings upon applications, holding hearings, and making inquiries under D.C. Code, sec. 31-902.

(242) Closing streets and alleys under D.C. Code, sec. 31-1108.

(243) Promulgating rules and regulations governing the manner in which the District duties relating to surplus property shall be carried out, including the fixing of fees to be charged for services, under D.C. Code, sec. 31-1302.

(244) All functions vested in the Board of Commissioners of the District of Columbia by D.C. Code, sec. 31-1522(b).

21. Institutions, agencies, and services

(245) Promulgating regulations to govern the establishment and maintenance of private hospitals and asylums, and regulating the issuance, suspension, and revocation of licenses, under D.C. Code, sec. 32-304.

(246) Making rules and regulations under D.C. Code, sec. 32-306.

(247) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32-308.

(248) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32-309.

(249) Establishing rates and regulations respecting the admission of patients under D.C. Code, sec. 32-310.

(250) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32-313.

(251) Prescribing rates for furnishing clinical services, drugs, pharmaceutical preparations, or x-ray service, and determining the necessity of using appropriations without regard to the rates prescribed, under D.C. Code, sec. 32-322.

(252) Establishing standards of indigency for admission of patients to municipal hospitals, and establishing rates at which, and regulations under which, emergency and semi-indigent patients may be admitted to wards of Gallinger Municipal Hospital on a full- or part-time basis, under D.C. Code, sec. 32-326.

(253) Making rules and regulations for enforcing discipline, for imparting instruction or preserving health, and for the physical, intellectual, and moral training of the inmates of the institution for the custody, care, education, training, and treatment of feeble-minded persons under D.C. Code, sec. 32-604.

(254) Approving rules and regulations, and approving amendments of rules and regulations prescribing standards of placement, care, and services to be required of child-placing agencies under D.C. Code, sec. 32-783.

(255) Making, altering, amending, and changing by-laws, rules, and regulations for the government of the National Training School for Girls, its officers, teachers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of girls committed to the school under D.C. Code, sec. 32-904.

(256) Prescribing regulations respecting the sale of surplus products under D.C. Code, sec. 32-1009.

(257) Establishing rates and regulations respecting the care and treatment of any patients under D.C. Code, sec. 32-1010.

22. Food and drugs

(258) Preparing rules and regulations with regard to the proper method of collecting and examining drugs and articles of food, under D.C. Code, sec. 33-104.

(259) Making regulations to protect the milk, cream, and ice cream supply of the District of Columbia under D.C. Code, sec. 33-307.

(260) Prescribing regulations under which milk and cream shall be pasteurized under D.C. Code, sec. 33-315.

(261) By regulation, including places other than creameries or receiving stations under the provisions of section 17 of the Act of February 27, 1925 under D.C. Code, sec. 33-317 (second sentence).

(262) Making rules and regulations for the administration and enforcement of the Narcotic Drug Act of June 20, 1938 under D.C. Code, sec. 33-405.

(263) Making rules and regulations to carry out the purposes of the Act of July 3, 1943 under D.C. Code, sec. 33-502.

(264) After reasonable public notice and opportunity for a hearing, finding and declaring drugs or compounds, preparations, or mixtures thereof to be habit-forming, excessively stimulating, or to have a dangerously toxic, or hypnotic or somnifacient effect on the body of a human or animal under D.C. Code, sec. 33-701(1)(C).

(265) After reasonable public notice and opportunity for hearing, declaring by rule or regulation duly promulgated that a compound, mixture, or preparation of barbituric acid, its salts and derivatives to have or contain no habit-forming properties and not to have a dangerously toxic or hypnotic or somnifacient effect on the body of a human or animal under D.C. Code, sec. 33-703(1).

(266) After reasonable public notice and opportunity for hearing, finding and declaring by rule or regulation duly promulgated that a compound, mixture, or preparation of amphetamine, desoxyphedrine, phenylethylamine, or their salts or derivatives to contain in addition to such drug or its salts and derivatives some other drug or drugs causing it to possess other than an excessively stimulating effect upon the central nervous system and to have no habit-forming properties or dangerously toxic effect upon the body of a human or animal under D.C. Code, sec. 33-703(2).

(267) Promulgating regulations for the administration and enforcement of the Act of July 24, 1956 under D.C. Code, sec. 33-707.

23. Insurance

(268) Making rules and regulations to make the conduct of each company in the same line of insurance conform in doing business in the District under D.C. Code, sec. 35-102.

(269) Prescribing rules and regulations for the hearing of appeals (of health, accident, and life insurance companies) under D.C. Code, sec. 35-202.

(270) Requiring, under D.C. Code, sec. 35-407, that at least once in the month of March in each year a summary of the annual financial statement filed thereunder be published in a daily newspaper.

(271) Making and prescribing rules and regulations (subject to the approval of the court) under D.C. Code, sec. 35-419 (penultimate paragraph).

(272) Requiring information, in addition to that specified in the statute, to be included in applications filed for licensing as life insurance general agent, agent, or solicitor, under D.C. Code, sec. 35-425.

(273) Requiring information, in addition to that specified in the statute, to be included in applications for licensing as a life insurance broker under D.C. Code, sec. 35-428.

(274) Prescribing rules and regulations governing inspectors of elections held by policy holders of domestic stock life insurance companies for the purpose of converting to a mutual company under D.C. Code, sec. 35-519.

(275) Issuing rules and regulations to carry out the purposes of section 41 of the Act of June 19, 1934 under D.C. Code, sec. 35-541(f).

(276) Making rules and regulations concerning the procedure for the filing or submission of policies under D.C. Code, sec. 35-712-3-(f); and making rules and regulations concerning the provisions in supplemental contracts and the submission and approval of such contracts under D.C. Code, sec. 35-712 (last proviso).

(277) Making rules and regulations necessary in making effective the provisions of the Fire and Casualty Act of October 9, 1940 under D.C. Code, sec. 35-1304.

(278) Approving agreements and bylaws established by the rating bureau for its governance, approving rules and

regulations adopted by the rating bureau to carry out its functions, and approving amendments to such agreements, bylaws, rules, and regulations under D.C. Code, sec. 35-1404.

(279) Making and promulgating (i) regulations governing the enforcement of the provisions of the Act of May 20, 1948 (providing for regulation of casualty and other insurance rates), (ii) regulations necessary in making that Act effective, and (iii) rules for making compilations of statistical data available to companies and rating organizations under D.C. Code, sec. 35-1508.

24. Labor

(280) Adopting and promulgating regulations defining terms under section 10 of the Act of February 24, 1914 (sec. 3, Public Law 89-684, approved October 15, 1966).

(281) Making and revising regulations, including definition of terms, under section 8 of title I of the Act of September 19, 1918 (Public Law 89-684, approved October 15, 1966).

(282) Prescribing by regulation records or information necessary or appropriate for the enforcement of the provisions of the Act of September 19, 1918, as amended by Public Law 89-684, approved October 15, 1966, or of the regulations or orders issued thereunder, under section 11 of that Act.

(283) (i) Determining and fixing standards of safety in employment, places of employment, in the use of devices and safeguards, and in the use of practices, means, methods, operations, and processes of employment, and (ii) promulgating general rules and regulations and fixing minimum safety requirements, under D.C. Code, sec. 36-433.

(284) Adopting and promulgating rules and regulations under D.C. Code, sec. 36-434.

(285) Promulgating regulations defining and delimiting the term "any person employed in a bona fide executive, administrative, or professional capacity" under D.C. Code, sec. 36-601(b).

25. Motor vehicles

(286) Providing by regulation for the issuance of (i) registration certificates and identification tags, (ii) duplicate registration certificates or duplicate identification tags and (iii) special use identification tags under D.C. Code, sec. 40-102(b); and promulgating thereunder the regulations referred to in paragraphs (1) and (4) thereof.

(287) Extending the effective period of registration of motor vehicles under D.C. Code, sec. 40-102(c).

(288) Prescribing regulations to carry out provisions of law respecting registration of, and identification tags for, motor vehicles and trailers, under D.C. Code, sec. 40-102(e).

(289) Prescribing rules and regulations respecting the revocation or suspension of dealers' registrations and dealers' identification tags, including return of such tags, under D.C. Code, sec. 40-102(f).

(290) Prescribing tags treated with special reflective materials and fixing the additional fee charged in connection therewith under D.C. Code, sec. 40-103(a).

(291) Determining the percentage of fees for registration of motor vehicles and trailers to be credited to the General Fund of the District of Columbia under D.C. Code, sec. 40-103(d).

(292) Prescribing regulations relating to the issuance of motor vehicle operators' permits and to extending the validity of certain motor vehicle operators' permits under D.C. Code, secs. 40-301(a) (1) and (6).

(293) Prescribing by regulation matter to be stated on each motor vehicle operator's permit under D.C. Code, sec. 40-301(b).

(294) Making rules and regulations for the administration of the Motor Vehicle Safety Responsibility Act of the District of Columbia under D.C. Code, sec. 40-419.

(295) Making, modifying, and repealing rules and regulations under D.C. Code, sec. 40-603(a).

(296) Making and modifying regulations in respect to brakes, horns, lights, mufflers, and other equipment, the inspection of the same; the registering, reregistering, titling, retitling, transferring of titles, and revocation of the certificate of title to motor vehicles and trailers, under D.C. Code, sec. 40-603(c).

(297) Making, modifying, and repealing rules and regulations in respect to the movement of traffic, speed,

length, weight, height, width, routing, and parking of vehicles, the establishment and location of hack stands, and the establishment and location of parking areas for use of Members of Congress and Government officials, under D.C. Code, sec. 40-603(e).

(298) Making regulations with respect to the control of traffic under D.C. Code, sec. 40-603(f).

(299) Prescribing penalties under D.C. Code, sec. 40-603(g).

(300) Designating and reserving parking spaces for the use of Members of the Congress under D.C. Code, sec. 40-604 (40 U.S.C. 60a).

(301) Permitting parking of motor vehicles in the Municipal Center, selecting officers and employees whose vehicles may be parked there, and making regulations for the control of the parking of such vehicles, including authority to prescribe fees and charges for the privilege of parking of such vehicles, under D.C. Code, sec. 40-604a(a).

(302) Permitting the public to park motor vehicles in a portion or portions of the Municipal Center, setting aside the portion or portions of that Center for such purpose, making regulations for the control of parking in the portion or portions so set aside (including the authority to restrict the privilege of parking therein to persons having business in the Municipal Center), making regulations to prohibit parking in all portions of the Municipal Center not set apart for such purposes, and prescribing fees and charges for the privilege of parking motor vehicles, under D.C. Code, sec. 40-604a(b).

(303) Prescribing penalties under D.C. Code, sec. 40-604a(c).

(304) Making rules and regulations for the control of the parking of vehicles, and prescribing fees for the privilege of parking vehicles under D.C. Code, sec. 40-616.

(305) Making regulations necessary in the furtherance of the purposes of D.C. Code, sec. 40-617 under the last sentence thereof.

(306) Establishing and revising uniform schedules of rates to be charged for use of space in each parking facility, providing rate differentials, prescribing and promulgating rules and regulations for the carrying out of the provisions of the District of Columbia Motor Vehicle Parking Facility Act of 1942, determining the time within which the cost of acquiring and improving the property shall be liquidated, and providing for the acquisition and improvement of other necessary parking facilities under D.C. Code, sec. 40-804(d).

(307) Making rules and regulations for the control of parking of vehicles, and prescribing fees for the parking of vehicles, under D.C. Code, sec. 40-804(e).

(308) Fixing the amount of collateral to be deposited under D.C. Code, sec. 40-810.

(309) Including fees within the definition of the term "Governmental charges" under D.C. Code, sec. 40-901(4).

(310) By regulation or order, determining, fixing, re-determining, and refixing, maximum finance charges under D.C. Code, sec. 40-902(d).

(311) Making regulations to carry out the purposes of section 2 of the Act of April 22, 1960 under D.C. Code, sec. 40-902(e) (1).

(312) Making additional regulations under D.C. Code, sec. 40-902(e) (2).

(313) Making classifications under D.C. Code, sec. 40-902(e) (3).

(314) By regulation, (i) prohibiting the inclusion of certain provisions in any retail installment contract, and (ii) providing that waivers or purported waivers shall be void and of no effect, under D.C. Code, sec. 40-902(f).

(315) Prescribing by regulation security required of licensed persons, establishing classes and subclasses of persons, specifying the amount and conditions of the bond to be deposited by each of the members of any such class or subclasses, and by regulation requiring applicants for licenses (i) to furnish and keep in force a bond or other security, (ii) to procure and keep in force public liability insurance and property damage insurance, or both, and (iii) to appoint an attorney for the service of process and notices under D.C. Code, sec. 40-903(a).

(316) Promulgating regulations to carry out the purposes of Act regulating retail installment sales of motor vehicles under D.C. Code, sec. 40-905.

26. Public utilities

(317) Fixing regulations under which electric light companies may be authorized to construct, use, and extend conduits, and prescribing regulations under which electric lighting companies may extend underground conduits and wires, under D.C. Code, sec. 43-1101.

(318) Prescribing conditions and regulations to permit the erection of poles and the stringing of overhead wires thereon under D.C. Code, sec. 43-1105.

(319) Making regulations concerning granting of permits for repair, enlargement, and extension of electric-lighting conduits under D.C. Code, sec. 43-1106.

(320) Making regulations concerning granting of permits for repair, enlargement, and extension of electric-lighting conduits under D.C. Code, sec. 43-1107.

(321) Prescribing regulations under D.C. Code, sec. 43-1406.

(322) Prescribing regulations under D.C. Code, sec. 43-1414.

(323) Making regulations for the proper distribution of water under D.C. Code, sec. 43-1503.

(324) Determining the frequency of levying and collecting water rates under D.C. Code, sec. 43-1504.

(325) Fixing the rates charged for water and water services under D.C. Code, sec. 43-1520c.

(326) Establishing charges for the provision of sanitary sewer service under D.C. Code, secs. 43-1605 and 43-1606.

(327) Promulgating regulations to effectuate purposes of Title II of the Act of May 18, 1954 under D.C. Code, sec. 43-1608.

(328) Imposing additional charge for unpaid sanitary sewer service charge under D.C. Code, sec. 43-1609.

(329) Making rules and regulations to carry out provisions of Public Works Act of 1954 under D.C. Code, sec. 43-1618.

(330) Prescribing regulations respecting the operation and maintenance of the Potomac Interceptor under D.C. Code, sec. 43-1621(a).

27. Passenger motor vehicles for hire

(331) Approving form of, and terms and conditions of filing, evidence under D.C. Code, sec. 44-301.

(332) Making rules and regulations governing the writing of insurance, the making of bonds, and the business of insuring or bonding risks under D.C. Code, sec. 44-302.

28. Real property

(333) Prescribing by regulation extensions of time under D.C. Code, sec. 45-723(d) (1).

(334) Prescribing by regulation methods or devices, or both, for the evidencing of payment and the collection of taxes under D.C. Code, sec. 45-736.

(335) Prescribing rules and regulations to carry out the purposes of subchapter II of chapter 7 of title 45 of the D.C. Code, under D.C. Code, sec. 45-737.

(336) Adopting a seal and prescribing the design engraved thereon, and making, revising, or repealing regulations to carry out the provisions of chapter 14 of title 45 of the D.C. Code, under D.C. Code, sec. 45-1403.

(337) Requiring proof of the honesty, truthfulness, and integrity of the applicant under D.C. Code, sec. 45-1405.

29. Social security

(338) Prescribing regulations for estimating and determining the reasonable cash value of remuneration in any medium other than cash and for estimating and determining the reasonable amount of gratuities under D.C. Code, sec. 46-301(c).

(339) Prescribing by regulation the period of time as equivalent to a calendar quarter under D.C. Code, sec. 46-301(k).

(340) Prescribing the period of time to be used for the term "month" under D.C. Code, sec. 46-301(n).

(341) Prescribing by regulation the period of seven consecutive days to be used as a "week" under D.C. Code, sec. 46-301(o).

(342) Prescribing regulations specifying time within which employers shall make a return of, and pay contributions accrued with respect to, wages paid during preceding calendar quarter with respect to employment, under D.C. Code, sec. 46-304(b).

(343) Prescribing regulations respecting issuance of certificate of release of lien for taxes under D.C. Code, sec. 46-304(e).

(344) Prescribing the extent to which rulings, regulations, or decisions shall be applied without retroactive effect under D.C. Code, sec. 46-304(k).

(345) Prescribing regulations regarding reduction of benefits under D.C. Code, sec. 46-307(c).

(346) Prescribing regulations regarding the making of claims for benefits under D.C. Code, sec. 46-309(a).

(347) Prescribing regulations specifying the frequency and manner of registration and inquiries for work, and by regulation waiving or altering requirements for benefits, under D.C. Code, sec. 46-309(d).

(348) Prescribing regulations governing determinations as to what constitutes leaving work voluntarily without good cause under D.C. Code, sec. 46-310(a).

(349) Prescribing regulations under D.C. Code, sec. 46-310(c).

(350) Prescribing regulations under D.C. Code, sec. 46-310(e).

(351) Prescribing regulations under D.C. Code, sec. 46-311(a).

(352) Prescribing regulations under D.C. Code, sec. 46-311(c).

(353) Prescribing regulations under D.C. Code, sec. 46-311(e).

(354) Fixing rate of fees allowed witnesses under D.C. Code, sec. 46-311(g).

(355) Requiring bonds of employees under D.C. Code, sec. 46-313(a).

(356) Making regulations to carry out the provisions of chapter 3 of title 46 of the D.C. Code under D.C. Code, sec. 46-313(b).

(357) By regulations prescribing restrictions, subject to which information may be made available, under D.C. Code, sec. 46-313(f).

(358) Entering into reciprocal arrangements under D.C. Code, sec. 46-316(a).

(359) Prescribing work records to be kept, under D.C. Code, sec. 46-317(a).

30. Taxation and fiscal affairs

(360) Fixing amounts of bonds under D.C. Code, secs. 47-113c and 47-120a.

(361) Requiring the giving of bond under D.C. Code, sec. 47-122.

(362) Requiring the giving of bond under D.C. Code, sec. 47-303.

(363) Ascertaining, determining, and fixing annually rate of taxation under D.C. Code, sec. 47-501.

(364) Determining whether any money raised in any fiscal year in excess of the needs for that year shall be available in the succeeding year for the purpose of meeting expenses or for enabling the fixing of a lower rate of taxation for the year following, or both, under D.C. Code, sec. 47-503.

(365) Reporting annually to the Congress the use being made of property specifically exempted from taxation, and any changes in such use, with recommendations, under D.C. Code, sec. 47-801a(e).

(366) Making and promulgating rules and regulations to carry out the intent and purposes of the Act of December 24, 1942 under D.C. Code, sec. 47-801f.

(367) Fixing date of sale of real property on which taxes are levied and in arrears under D.C. Code, sec. 47-1001.

(368) Requiring by regulation the times and manner of reporting income and the information to be reported under D.C. Code, sec. 47-1577a(b) (17) (last paragraph) (Public Law 89-591).

(369) Promulgating rules and regulations permitting as a deduction from gross income allowances for depletion of natural resources under D.C. Code, sec. 47-1557b(a) (7).

(370) Including in regulations tax table for elective use in connection with paying the tax under D.C. Code, sec. 47-1567b(b).

(371) Prescribing regulation or regulations for determining under formula or formulas provided therein the portion of net income subject to tax under the District of Columbia Income and Franchise Tax Act of 1947 under D.C. Code, sec. 47-1580a.

(372) Prescribing and promulgating all regulations referred to in D.C. Code, sec. 47-1586g.

(373) Prescribing and publishing rules and regulations for the enforcement of the District of Columbia Income and Franchise Tax Act of 1947 under D.C. Code, sec. 47-1595.

(374) Making rules and regulations to carry out the provisions of the District of Columbia Revenue Act of 1956 under D.C. Code, sec. 47-1595a.

(375) Making rules and regulations for enforcement of law imposing inheritance and estate taxes and providing for granting extensions of time under D.C. Code, sec. 47-1618.

(376) Prescribing regulations relating to issuing certificate releasing property from lien under D.C. Code, sec. 47-1623.

(377) Entering into a compact and issuing rules and regulations for the implementation of such compact under section 103 of Public Law 89-11, approved April 14, 1965 (79 Stat. 60).

(378) Entering into an agreement, issuing rules and regulations for the implementation of such agreement, making exemptions from the coverage of the agreement, making changes in methods of reporting, and giving notice of withdrawal from the agreement, under sections 202, 203, and 205 of Public Law 89-11, approved April 14, 1965 (79 Stat. 65, 66).

(379) Promulgating regulations requiring information to be contained in applications under D.C. Code, sec. 47-1903(a) (5).

(380) Making regulations for the administration of the Act of April 23, 1924 (imposing tax on motor-vehicle fuels), and affixing thereto fines and penalties, under D.C. Code, sec. 47-1916.

(381) Determining penal sum of bond to be deposited by applicants for licenses under D.C. Code, sec. 47-2102.

(382) Adopting seal under D.C. Code, sec. 47-2301.

(383) Prescribing regulations for the public decency under D.C. Code, sec. 47-2303.

(384) Classifying buildings, and requiring licenses, under D.C. Code, sec. 47-2328.

(385) Directing as to the identification tags to be borne by licensed vehicles under D.C. Code, sec. 47-2331(f).

(386) Making and modifying regulations governing the conduct of licensed vendors under D.C. Code, sec. 47-2336.

(387) Making regulations for the examination of applicants for licenses under D.C. Code, sec. 47-2338.

(388) Classifying dealers in secondhand personal property under D.C. Code, sec. 47-2339.

(389) Making and promulgating regulations under D.C. Code, sec. 47-2340.

(390) Making regulations for the government and conduct of the business of licensed private detectives under D.C. Code, sec. 47-2341(d).

(391) Requiring a license of businesses or callings other than those specified in the Act and modifying any provision of the Act, under D.C. Code, sec. 47-2344.

(392) Prescribing additional subjects in which applicants for license as undertaker shall be examined under D.C. Code, sec. 47-2344a(b).

(393) Promulgating and altering rules and regulations under D.C. Code, sec. 47-2344a(d) (6).

(394) Making regulations under D.C. Code, sec. 47-2345(a).

(395) Providing by regulation that any inspection shall be made either prior or subsequent to the issuance of a license under D.C. Code, sec. 47-2345(b).

(396) Requiring that a class or subclasses of licensees give bond, and fixing the amount of such bond, under D.C. Code, sec. 47-2345(c).

(397) Making rules and regulations to carry out the provisions of the District of Columbia Revenue Act of 1937, and prescribing and publishing rules and regulations for the enforcement of the Revenue Act of 1939, under D.C. Code, sec. 47-2502.

(398) Prescribing amounts to be added to sales prices and collected from purchasers under D.C. Code, sec. 47-2604(a).

(399) Prescribing regulations governing refunds to vendors of amounts repaid to purchasers under D.C. Code, sec. 47-2617(a).

(400) Making, adopting, and amending regulations under D.C. Code, sec. 47-2620.

(401) Prescribing methods for determining the gross proceeds from sales made or services rendered and for the allocation of such sales and services into taxable and non-taxable sales under D.C. Code, sec. 47-2621(c).

(402) Requiring vendors to keep detailed records, and to furnish information, under D.C. Code, sec. 47-2621(d).

(403) Requiring vendors to file bond, determining the sureties necessary, and the duration of the bond under D.C. Code, sec. 47-2708.

(404) Requiring purchasers to include in monthly returns (relating to compensating-use tax) information necessary for the computation and collection of the tax under D.C. Code, sec. 47-2711(a).

(405) Requiring returns of purchasers to be made for periods and upon dates other than those specified in the Act, and specifying such periods and dates, under D.C. Code, sec. 47-2711(b).

(406) By regulation, including wrapper within the definition of "original package" under D.C. Code, sec. 47-2801(g).

(407) By regulation, permitting tax stamps to be affixed other than to original packages, and approving regulations prescribing the manner of cancellation of stamps, under D.C. Code, sec. 47-2802(c).

(408) Prescribing stamps denoting payment of tax, under D.C. Code, sec. 47-2802(d).

(409) By regulation permitting licensees to pay tax by imprinting impressions upon original packages by the use of metering devices under D.C. Code, sec. 47-2802(h).

(410) By regulation, prescribing terms and conditions for allowing discount from the face value of tax stamps under D.C. Code, sec. 47-2802(i).

(411) Approving regulations permitting cigarettes to be sold in number less than the number contained in the original package, and fixing fee for retailer's license, under D.C. Code, sec. 47-2805(A).

(412) By regulation, requiring that a separate license be obtained for each vending machine or permitting a blanket license for one or more machines, prescribing that evidence of licensing of machines be attached to each machine by means of markers, stickers, or otherwise, and fixing the annual fee for licenses, under D.C. Code, sec. 47-2805(B).

(413) By regulation, authorizing the issuance of a license for a place outside the District of Columbia and authorizing the terms and conditions therefor, and fixing the annual fee for license, under D.C. Code, sec. 47-2805(C)(3).

(414) Fixing by regulation periods for which licenses shall remain in effect, under D.C. Code, sec. 47-2806.

(415) Making rules and regulations to carry out the provisions of chapter 28 of title 47 of the D.C. Code, under D.C. Code, sec. 47-2808.

(416) Prescribing regulations respecting refunds or allowances as credit on purchase of new tax stamps under D.C. Code, sec. 47-2811(a).

(417) Promulgating regulations to carry out the purposes of the Act of September 1, 1959 under D.C. Code, sec. 47-3009.

31. Miscellaneous

(418) Promulgating rules and regulations with respect to the solicitation and voting of proxies, consents, and authorizations under section 2(a) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 123).

(419) By rules and regulations, exempting a transaction or transactions, under section 3(b) (last sentence) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 124).

(420) By rules and regulations, defining and prescribing terms and conditions under section 3(d) (last sentence) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 124).

(421) Adopting, prescribing, and making the rules and regulations referred to in sections 3(e), 3(f), and 3(h) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 124; 125).

(422) Making regulations to secure the preservation of public order and protection of life, health, and property, making special regulations respecting the standing, movement, and operation of vehicles, and fixing fees for special licenses, under the first section of the Act of July 19, 1966 (Public Law 89-514; 80 Stat. 320).

(423) Adopting rules and regulations to carry out the purposes of the District of Columbia Certified Public Accountancy Act of 1966 (Public Law 89-578, approved September 16, 1966), under section 5 of that Act (80 Stat. 787).

(424) Making rules and regulations to carry out the District of Columbia Revenue Act of 1966 (Public Law 89-610, approved September 30, 1966) under section 1005 of that Act (80 Stat. 859).

(425) Appointing two directors of the Washington Metropolitan Area Transit Authority (80 Stat. 1326). Those directors shall be appointed from among a group of individuals consisting of the following: (1) The members of the District of Columbia Council, (2) the Commissioner of the District of Columbia, and (3) the Assistant to the Commissioner of the District of Columbia (provided for in section 302 of this reorganization plan).

(426) Promulgating rules and regulations for the administration of the work release program under Section 5 of the District of Columbia Work Release Act (Public Law 89-803; 80 Stat. 1519).

(427) Fixing stipends of student employees under 5 U.S.C. 5352.

(428) Fixing value of accommodations to be deducted from stipends under 5 U.S.C. 5353.

(429) Prescribing and issuing, or providing for the formulation and issuance of, regulations under 5 U.S.C. 5527(b).

(430) Prescribing regulations for the destruction of animals or live poultry affected with contagious, infectious, or communicable disease, and for the proper disposition of their hides and carcasses, and prescribing regulations for disinfection and other regulations, under section 8 of the Act of May 29, 1884, c. 60, 25 Stat. 33, as amended (21 U.S.C. 130).

(431) Agreeing to the closing and vacating of alleys and portions of streets under section 8(b) of the Public Buildings Act of 1959, P.L. 86-249, 73 Stat. 481, as amended (40 U.S.C. 607(b)).

(432) The functions under Title VI of the Act of October 14, 1940, c. 862, as amended (42 U.S.C. 1581-1590) which are now vested in the Board of Commissioners of the District of Columbia pursuant to the provisions of section 610 of that Act, as amended (42 U.S.C. 1590).

SEC. 403. *Budget.* Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council.

SEC. 404. *Zoning Commission.* Functions of the members of the Board of Commissioners of the District of Columbia with respect to serving as members of the Zoning Commission (D.C. Code, sec. 5-412) are hereby transferred as follows:

(a) Those of the President of the Board of Commissioners are transferred to the Chairman of the District of Columbia Council.

(b) Those of the Engineer Commissioner are transferred to the Commissioner of the District of Columbia.

(c) Those of the other member of the Board of Commissioners are transferred to the Vice Chairman of the Council.

SEC. 405. *Officers of the Corporation.* The functions of the Commissioners of the District of Columbia with respect to being officers of the Corporation under D.C. Code, sec. 1-103 are hereby transferred to the members of the District of Columbia Council and to the Commissioner of the District of Columbia in such manner as to accord with the transfers of functions to the Council and the Commissioner, respectively, as effected by the provisions of the foregoing sections of Part IV of this reorganization plan.

SEC. 406. *Approval or disapproval by Commissioner.* (a) Each and every action taken by the Council in pursuance of authority transferred to it by the provisions of this reorganization plan in respect of rules or regulations (exclusive of rules and regulations respecting the internal organization or functioning of the Council or the appointment or direction of personnel employed by the Council) or in respect of penalties or taxes shall be promptly presented to the Commissioner of the District of Columbia (provided for in Part III of this reorganization plan) for his approval or disapproval.

(b) If the Commissioner approves an action of the Council presented to him under subsection (a) of this section, that action shall become effective immediately or at such later time as may be specified in the action of the Council.

(c) If the Commissioner neither approves nor disapproves an action of the Council before the expiration of the first period of ten calendar days following the date on which the action is presented to him by the Council, the action of the Council shall become effective without the approval of the Commissioner upon the expiration of the ten-day period or at such later time as may be specified in the action of the Council.

(d) Where the Commissioner disapproves an action of the Council before the expiration of the first period of ten calendar days following the date on which the action is presented to him by the Council he shall return the action to the Council before such expiration together with a statement of the reasons for his disapproval. No action so returned shall become effective, except that such an action shall become effective if the Council re-adopts the action by a three-fourths vote of the Council members present and voting within thirty days next following the return of the action to the Council. Any action which becomes effective under this subsection shall be effective upon the re-adoption thereof by the Council or upon such later date as may be specified in the action of the Council.

(e) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under the foregoing subsections of section 406.

PART V. MISCELLANEOUS PROVISIONS

SEC. 501. *Status of certain agencies.* (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia, and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

- (1) Board of Education (including the public school system)
- (2) Board of Library Trustees (including the public libraries)
- (3) Recreation Board
- (4) Public Service Commission
- (5) Zoning Commission
- (6) Zoning Advisory Council
- (7) Board of Zoning Adjustment
- (8) Office of the Recorder of Deeds
- (9) Armory Board

SEC. 502. *Incidental transfers.* (a) The personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the offices of the Board of Commissioners of the District of Columbia or in connection with the offices of the commissioners composing that Board shall be transferred as follows at such time or times as the Director of the Bureau of the Budget shall direct:

(1) So much thereof as the Director of the Bureau of the Budget shall determine to relate primarily to functions transferred to the District of Columbia Council by the provisions of this reorganization plan shall be transferred to that Council.

(2) All other thereof shall be transferred to the Commissioner of the District of Columbia.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) Unless and until other provision is made in pursuance of section 304 of this reorganization plan or by law, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds which are now under the jurisdiction of the Board of Commissioners of the District of Columbia and are not affected by the provisions of subsection (a) of this section shall continue to be attached to or available for the several agencies of the Corporation.

SEC. 503. *Abolitions.* (a) Without prejudice to the continuation of the Corporation, there is hereby abolished the Board of Commissioners of the District of Columbia.

(b) The abolition effected by subsection (a) of this section includes the abolition of the office held by an officer of the Corps of Engineers of the United States Army as the Engineer Commissioner of the District of Columbia (10 U.S.C. 3534(a); D.C. Code, sec. 1-201) and the two other offices of Commissioner of the District of Columbia, but nothing in this reorganization plan shall preclude the detail by the President of not more than three officers assigned to the Corps of Engineers to assist the Commissioner of the District of Columbia in discharging his duties (10 U.S.C. 3534(b); D.C. Code, sec. 1-212).

(c) The joint board authorized and created by section 6(e) of the Act of March 3, 1925, 43 Stat. 1121, as amended (D.C. Code, sec. 40-603(e)), together with its functions, is hereby abolished.

(d) The Commissioner of the District of Columbia shall make such provisions as he may deem necessary with respect to winding up the affairs of (1) the Board of Commissioners of the District of Columbia, and (2) the joint board on traffic.

SEC. 504. *Effective dates.* (a) Except as otherwise provided in subsection (b) of this section, the provisions of this reorganization plan shall take effect on the date determined under section 906(a) of title 5 of the United States Code.

(b) Part IV and sections 501, 502, and 503 of this reorganization plan shall take effect when for the first time there are in office under this reorganization plan both (1) the Commissioner provided for in Part III hereof, and (2) not less than six members of the Council provided for in Part II hereof or on such later date as may be specified by the President of the United States.

LETTER OF TRANSMITTAL

To the Congress of the United States:

I am transmitting Reorganization Plan No. 3 of 1967 to provide a better government for the citizens of the Nation's Capital.

The explosive growth of the District of Columbia challenges the city on every front—from schools and hospitals, courts and police, to housing and transportation, recreation and job opportunities. If the District is to meet these tests and fulfill the needs of its citizens, it must, as I said in my message on the National Capital, "have the most responsive and efficient government we are capable of providing."

The plan I submit today is more than a matter of routine reorganization. Its vital purpose is to bring Twentieth Century government to the Capital of this Nation: to strengthen and modernize the government of the District of Columbia; to make it as efficient and effective as possible.

The present form of District government was designed almost a century ago for a community of 150,000 people. The District government then employed less than 500 persons and administered a budget of less than four million dollars.

Today Washington has a population of 800,000. It is the center of the country's fastest growing metropolitan area with a population of 2.5 million. The District's Government now employs some 30,000 people and the proposed 1968 budget is more than half a billion dollars.

The machinery designed more than 90 years ago to govern a small community is now obsolete. The commission form of government—unorthodox when the Congress accepted it as a temporary measure in 1874—provides neither effective nor efficient government for the Nation's Capital. That form of government has long since been abandoned by the few cities which adopted it around the turn of the century. Today none of the Nation's 27 largest cities and only two of the country's 47 cities with populations exceeding 300,000 have a government of divided authority.

The District of Columbia is governed by three Commissioners. Each Commissioner is the chief executive—the mayor—but for only a part of the government. Yet, the problems of the District of Columbia, like those of any major city, cannot be neatly broken into three parts. Any effort to control crime, for example, cuts across virtually every function of government—from police and corrections to housing, education, health and employment. An effective attack on the problem requires action by two or more Commissioners and the Departments for which they are separately responsible—a time-consuming and often costly process.

The District has been fortunate in the caliber and dedication of the men who have served as Commissioners, but it can no longer afford divided executive authority. Its government must be able to respond promptly and effectively to new demands and new conditions. This requires clear-cut executive authority and flexible government machinery—not divided authority which too often results in prolonged negotiations and inaction.

The problem of divided executive authority in the District is aggravated by the additional non-executive responsibilities now borne by the Commissioners. As a member of the Board of Commissioners, each must now make rules and regulations on matters with which he is not otherwise concerned as an executive. Some of these quasi-legislative responsibilities—such as police regulations and property taxation—are of great importance to the city. Many—such as the naming of streets and the labeling of potato packages—are merely time-consuming. None should require a substantial portion of the time of the chief executive of a major city.

The reorganization plan I propose would remedy these deficiencies in the present form of government. It would:

—Unify executive and administrative authority.

—Eliminate competing and sometimes conflicting assignments of responsibility.

—Provide for the informed exercise of quasi-legislative functions through a Council which would be bipartisan and representative of the community.

—Permit the single Commissioner to organize the District government to provide effective day-to-day administration.

Under the plan, subject to Senate confirmation, the President would appoint a single Commissioner as chief executive and a bipartisan Council of nine members. The Commissioner would serve a four-year term, corresponding to that of the President. Council members would serve three-year terms, with three members to be appointed each year. The staggered terms would insure continuity of experience on the Council.

The plan would abolish the present Board of Commissioners of the District of Columbia. Its powers and responsibilities would be apportioned between the single Commissioner and the Council.

The Commissioner would be assigned the executive functions now vested in the Board of Commissioners. He would be given responsibility and authority, to organize and manage the District government, to administer its programs and to prepare its budget. The plan also provides for an Assistant to the Commissioner to help him carry out these responsibilities.

The Council would be assigned the quasi-legislative functions now performed by the Board of Commissioners. The plan describes more than 430 functions which would be transferred to the Council. These include major responsibilities such as the approval of boundaries and plans for urban renewal, establishment of rules governing the licensing of professions, and setting of rates for property taxation. The Council would also be empowered to review and revise the Commissioner's budget before submission to the President.

Since the plan was announced in my Message on the Nation's Capital, we have been working to strengthen the Office of Commissioner and the Council. Out of this process of refinement four key changes have emerged, and have been incorporated into the plan.

First, the plan would authorize the Commissioner to veto actions of the Council with which he disagrees. The Council, in turn, could override such a veto by a three-fourths vote of its members. This provides due recognition for the responsibilities of the chief executive, while at the same time preserving the right of the Council to act on matters of overriding importance.

Second, the terms of Council members would be set at three years instead of two. The reduction in turnover and increase in experience would add strength to the Council.

Third, the salaries of the Chairman, Vice Chairman and Council members would be increased to reflect their important responsibilities.

Finally, the plan recognizes that the machinery of the District's government, no matter how modern, cannot realize its highest purpose unless it is infused with the most experienced, informed and able leadership.

The 800,000 citizens of the District of Columbia deserve nothing less than such leadership, not only as a matter of fundamental right but because the District occupies a special and central role in the affairs of the Nation.

The best talent available must be found for the key posts of Commissioner and Assistant to the Commissioner. The Commissioner is the chief executive of the District of Columbia. The Assistant to the Commissioner will be his chief aide, his deputy, and will perform such duties as the Commissioner may prescribe.

In the search for leadership necessary in these crucial posts, the President and the Congress must balance the need to draw from the best talent in the Nation with the need for local experience and local involvement that are such valuable assets to enlightened municipal government. The plan therefore provides for the Presidential appointment of both these men, subject to Senate confirmation, with the requirement that at least one of them be a resident of the District for three years prior to appointment.

We would be indifferent to the cause of good government if the search and selection of the Commissioner and his Assistant were confined only to those who reside within the geographic boundaries of the District. This plan does not take that course. It provides a wide range of choice—opening the field not only to those who reside in the District, but to those who live in other parts of the Nation. At the same time, the plan assures that local

experience will be well represented in the highest councils of the District Government.

Not only must either of the top executives positions be filled with a District resident, but each member of the nine-man Council must have been a resident of the District for at least three years prior to appointment.

Moreover, in selecting the Commissioner, I will look first to the residents of the District and I hope that he can be found here.

Of all the benefits of the plan, one stands out in particular—the strong leadership it provides as the cornerstone of support for any effective attack against crime. With that leadership and with the continued commitment and devotion of its police, the District can move with a greater sense of sureness and purpose against the spectre of crime that haunts the streets and shops of the Nation's Capital.

Of all the duties of the new single Commissioner none will be more important than his leadership in a renewed community effort to stem the rising tide of crime in the District.

The reorganization plan has been prepared in accordance with chapter 9 of title 5 of the United States Code. At my direction, it has been discussed with each member of the interested Committees of Congress or with their Staff Assistants. I have found, after investigation, that each reorganization included in the plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code.

I have also found that it is necessary to include in the plan, by reason of the reorganization made, provisions for the appointment and compensation of the new officers specified in sections 201, 203 and 301–303 of the plan. The rates of compensation fixed for these officers are comparable to those fixed for officers in the executive branch of the Government having similar responsibilities.

The functions which would be abolished by the provisions of section 503(c) of the reorganization plan are provided for in subsection (e) of Section 6 of the Act of March 3, 1925, 43 Stat. 1121, as amended (D.C. Code, sec. 40–603(e)).

The plan would not impair the corporate status of the District of Columbia government. Nor would it in any way detract from the powers which the Congress exercises with respect to the District.

This reorganization plan would provide improved management of the municipal responsibilities vested by Congress in the government of the District of Columbia. It would bring savings to the District taxpayers and the Federal Government, although overall costs will not be less because of the increasing scale and complexity of municipal government. The precise amount of such savings cannot be itemized at this time.

The proposed reorganization is in no way a substitute for home rule. As I stated in my Message on the Nation's Capital, the plan “will give the District a better organized and more efficient government . . . but only home rule will provide the District with a democratic government—of, by and for its citizens.”

I remain convinced more strongly than ever that Home Rule is still the truest course. We must continue to work toward that day—when the citizens of the District will have the right to frame their own laws, manage their own affairs, and choose their own leaders. Only then can we redeem that historic pledge to give the District of Columbia full membership in the American Union.

I recommend that the Congress allow the reorganization plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, June 1, 1967.

REORGANIZATION ORDER NO. 3.—DEPARTMENT OF GENERAL ADMINISTRATION (Aug. 28, 1952, as amended)

Part V of Organization Order No. 2, dated Dec. 13, 1967, Commissioner's Order No. 67–23, revoked this Order and abolished the department, offices and officers established thereunder.

REORGANIZATION ORDER NO. 8.—MANAGEMENT OFFICE (Sept. 25, 1952, as amended)

Part V of Organization Order No. 2, dated Dec. 13, 1967, Commissioner's Order No. 67–23, revoked this Order

and abolished the department, offices and officers established thereunder.

REORGANIZATION ORDER NO. 18.—ADMINISTRATIVE SERVICES OFFICES (Oct. 23, 1952, as amended)

Part V of Organization Order No. 3, dated Dec. 13, 1967, Commissioner's Order No. 67–24, revoked this Order and abolished the department, offices and officers established thereunder.

REORGANIZATION ORDER NO. 19.—INTERNAL AUDIT OFFICE (Nov. 1952 as amended)

Part V of Organization Order No. 3, dated Dec. 13, 1967, Commissioner's Order No. 67–24, revoked this Order and abolished the department, offices and officers established thereunder.

REORGANIZATION ORDER NO. 21.—PERSONNEL OFFICE (Nov. 20, 1952, as amended)

Part V of Organization Order No. 2, dated Dec. 13, 1967, Commissioner's Order No. 67–23, revoked this Order and abolished the department, offices and officers established thereunder.

REORGANIZATION ORDER NO. 24.—BUDGET OFFICE (Dec. 30, 1952, as amended)

Part V of Organization Order No. 2, dated Dec. 13, 1967, Commissioner's Order No. 67–23, revoked this Order and abolished the department, offices and officers established thereunder.

REORGANIZATION ORDER NO. 29.—PROCUREMENT OFFICE (Apr. 14, 1953, as amended)

Part V of Organization Order No. 3, dated Dec. 13, 1967, Commissioner's Order No. 67–24, revoked this Order and abolished the department, offices and officers established thereunder.

REORGANIZATION ORDER NO. 33.—BOARD OF PAROLE (May 28, 1953, as amended)

This order has been amended by and redesignated as Org. Ord. No. 6, dated Dec. 26, 1967, Commissioner's Order No. 67–95, set out below in this appendix.

REORGANIZATION ORDER NO. 36.—MINIMUM WAGE AND INDUSTRIAL SAFETY BOARD

(Reorg. Ord. No. 36, C.O. 302,853/14, June 16, 1953, as amended Sept. 20, 1956, July 14, 1960, Sept. 20, 1960, Jan. 7, 1966, and Feb. 7, 1967.)

* * * *

PART VII

Minimum wages and overtime compensation.—The Board shall administer the act approved September 19, 1918 (Title 36, Chapter 4, D.C. Code), as amended, establishing minimum wages and overtime compensation for employees in the District of Columbia.

PART VIII

Effective date.—This Order shall become effective on and after June 16, 1953.

REORGANIZATION ORDER NO. 40.—EXECUTIVE OFFICE OF THE BOARD OF COMMISSIONERS (June 23, 1953)

Part V of Organization Order No. 2, dated Dec. 13, 1967, Commissioner's Order No. 67–23, revoked this Order and abolished the department, offices and officers established thereunder.

REORGANIZATION ORDER NO. 50.—OFFICE OF THE CORPORATION COUNSEL

(Reorg. Ord. No. 50, L.S. 4240–B, June 26, 1953, as amended June 6, 1955, Feb. 10, 1956, Aug. 30, 1956, Oct. 18, 1956, Feb. 4, 1958, Mar. 13, 1958, June 7, 1960, Nov. 3, 1967 and Dec. 18, 1967.)

* * * *

PART II

Organization.—The Office of the Corporation Counsel shall be comprised of the following organizational components, responsible for the performance of the functions outlined:

A. *Office of the Corporation Counsel and Principal Assistant Corporation Counsel:*

(a) *Corporation Counsel and Principal Assistant Corporation Counsel.*—Is attorney for and chief law officer of the District of Columbia Government and has charge of all of its law business. Through his professional staff conducts prosecution of all cases, including criminal, instituted by it and defense of all suits against the District of Columbia, its officers, employees, and agents arising out of performance of official duties.

Furnishes legal advice to the Commissioner and District of Columbia Council and the several departments and agencies of the District of Columbia and upon request of said Commissioner and District of Columbia Council renders written opinions to them. Such opinions, in the absence of specific action by the Commissioner or Council to the contrary, or until overruled by controlling court decision, shall be the guiding statement of law, to be followed by all District officers and employees in the performance of their official duties.

Is statutory General Counsel of the Public Utilities Commission [Public Service Commission].

Supervises the staff of the Office of the Corporation Counsel and the administrative services necessary for the internal operations of the Office.

Is a member and Chairman of the Contract Appeals Board and performs this function through an Assistant Corporation Counsel designated by him.

Is designated by the D.C. Armory Board as its general counsel and, with the approval of the Board of Commissioners, serves in that capacity without additional compensation.

PART III

A. * * *

1. Instituted against the District of Columbia up to and including \$5,000, or, if approved by the Assistant to the Commissioner, up to and including \$10,000.

2. Instituted on behalf of the District of Columbia by reducing the amount of such claim or suit by an amount not exceeding \$5,000, or, if approved by the Assistant to the Commissioner, in an amount not exceeding \$10,000.

* * * * *

REORGANIZATION ORDER NO. 55.—DEPARTMENT OF LICENSES AND INSPECTIONS

(Reorganization Ord. No. 55, L.S. 4263—B, June 30, 1953, as amended Aug. 13, 1953, Dec. 17, 1953, June 30, 1954, Oct. 26, 1954, Aug. 11, 1955, Jan. 31, 1956, July 10, 1956, Oct. 2, 1956, Oct. 16, 1956, June 13, 1957, Nov. 27, 1957, July 22, 1958, June 1, 1960, Feb. 21, 1961, Nov. 7, 1961, Dec. 4, 1962, May 12, 1964, June 17, 1965, and Mar. 16, 1967.)

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PART III

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B. *Office of Administration.*

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8. Maintains the Department's Central Files. Such files contain records pertaining to Permit and Certificate issuance and inspection reports of completed work. Is responsible for developing procedures and systems to include other categories of Departmental records not presently serviced by the Central File system.

* * * * *

E. *License and Permit Division.*

1. Processes and issues licenses, permits, and certificates for: the operation of businesses; building and certain other types of construction and alteration or repair, building use; and other miscellaneous matters requiring a license, permit, or certificate.

2. Provides advice and assistance to the public as to the requirements for license, permit, and certificate issuance, the preparation of applications, and the explanation of regulations governing such matters.

3. Serves as the central point from which the public requests licenses, permits, and certificates; receives, re-

views, sorts, routes, and controls all such applications during their processing.

4. Normally notifies applicants of approval or disapproval of their applications for licenses, permits, and certificates issued by the Department. Upon receipt of recommendations of approval from the Housing Division, the Inspection Division, Zoning Division, the Fire Department, the Department of Public Health, and other departments, as appropriate, issues licenses, permits, certificates, or other notices of compliance with applicable regulations. Upon receipts of recommendations of disapproval from the Divisions of the Department of Licenses and Inspections and other departments, examines data received and requests supplemental data if necessary for complete clarity. Prepares consolidated list of deficiencies and remedial actions required, and furnishes copy to applicant with advice that applicant, if he desires to discuss the matter or secure further information, may meet for such purpose with D.C. Government officials concerned; if applicant desires such meeting, refers him to the officials involved or arranges meeting with such officials, as appropriate. Upon receipt of notice from agencies involved in such meetings as to whether they desire to revise their findings or recommendations as a result of the meeting, advises applicant of such determinations and, in non-approval cases, notifies applicant in writing that if deficiencies are not remedied as required, license, permit, certificate, or other form of approval will be denied; except that where recommendations made by any of the recommending agencies (except the Department of Public Health in connection with inspections for which that Department is responsible), in the light of the facts alleged by the recommending agency, may appear to be inconsistent with the language and intent of the applicable laws and regulations, refers such recommendations together with all pertinent details to the Office of the Director for review and determination. In inspectional matters for which the Department of Public Health is responsible, as outlined in Reorganization Order No. 57, as amended, the action taken shall be the same as that recommended by the Department of Public Health. All determinations relative to these matters may be appealed to the Board of Appeals and Review, and a statement to this effect shall be incorporated in all notices of unfavorable action sent to members of the public.

In cases in which renewal or transfer of licenses requires exercise of discretion and in which licenses were in effect for the year immediately preceding, may issue or transfer such licenses forthwith.

In case of renewal actions which are purely ministerial in nature, renews the permit or certificate without referral to other units of the Department or outside the Department.

When warranted, recommends to the Director the denial, revocation, or suspension of a Pawnbroker's license.

5. Recommends to the Board of Appeals and Review suspension or revocation, for good and sufficient cause, of licenses, permits, and certificates previously issued subject to such review as may be indicated by the Department Director.

6. In those instances in which an appeal is made to the Board of Appeals and Review, except where only a determination by the Department of Public Health is in question, the case will be reviewed by the Department Director or his designee before being submitted to the Board of Appeals and Review. Cases forwarded to the Board of Appeals and Review shall be fully documented so that the Board may be appraised of what has transpired prior to the appeals action, as well as the basis for the denial or proposed suspension or revocation of the license, permit, or certificate. Based upon the decision of the Board of Appeals and Review, performs the operating functions essential to denying, revoking, suspending, or restoring the license, permit, or certificate, as the case may be.

7. Inspects and controls the operations of loan companies, pawnbrokers, motor vehicle dealer sales contracts, and such other appropriate areas of business regulation as the Commissioners may prescribe.

8. Collaborates with the Office of the Collector of Taxes in developing and administering procedures relating to facilities for the collection of fees.

9. Investigates and takes necessary action to obtain compliance with the license, permit, and certificate laws and regulations enforced by this Department; furnishes expert services to other offices of the Department in non-compliance cases brought to Court; collaborates with the Office of the Corporation Counsel in representing the interests of the Department in legal matters; and provides expert testimony in court as required.

10. Acts as attorney-in-fact for licensed pawnbrokers for the purpose of receiving judicial and other processes and legal notices.

11. In the inspection and control of the operations of licensed pawnbrokers, the Chief of the License and Permit Division is authorized to require by subpoena the production of books, papers, and records and the attendance, and examination under oath of all persons whomsoever whose testimony he may require relative to the loans of business of any such licensee, and he shall possess the power vested in the Commissioners by the Act of July 1, 1902 (D.C. Code, 1951 ed. [now 1967 ed.], § 1-237) to administer oaths, and he and his designated representatives are authorized to have free access to the accounts, papers, records, files, safes, vaults, offices, and places of business used in connection with any business conducted under a pawnbroker's license.

12. Certifies on the District of Columbia motor vehicle operator's permit issued to an applicant for a parking lot attendant's license, in the space on such permit set aside for "restrictions", the number of the license issued such applicant and its expiration date.

* * * * *

REORGANIZATION ORDER NO. 59.—BOARDS AND COMMISSIONS

(Reorganization Ord. No. 59, L.S. 4266-B, June 30, 1953, as amended July 17, 1953, Sept. 15, 1953, Dec. 10, 1953, June 17, 1954, June 27, 1957, June 24, 1958, July 29, 1958, Aug. 25, 1959, Jan. 26, 1960, Aug. 9, 1960, Mar. 21, 1961, May 25, 1961, Sept. 12, 1961, Feb. 20, 1962, Feb. 12, 1963, Mar. 13, 1963, Apr. 16, 1963, Aug. 5, 1963, Sept. 19, 1963, Oct. 10, 1963, Oct. 17, 1963, Jan. 21, 1964, Nov. 5, 1964, Feb. 21, 1966, Mar. 8, 1966, May 24, 1966, June 14, 1966, Dec. 15, 1966, and Jan. 24, 1967.)

* * * * *

PART V

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E. The Real Estate Commission of the District of Columbia shall be composed of four (4) members appointed by the Board of Commissioners. In addition thereto, the Finance Officer, D.C. (formerly the the Assessor, D.C.) or an official of the Finance Office to be designated by the Finance Officer as his Alternate shall continue to serve, ex-officio, as Chairman of the Real Estate Commission, but without added compensation for their services as such.

* * * * *

PART XIV

Board of Accountancy.

A. *Establishment.*—Pursuant to authority contained in section 4 of the Act of Congress approved September 16, 1966 (Public Law 89-578; 80 Stat. 786), there is hereby established, within the Department of Occupations and Professions, a Board of Accountancy.

B. *Delegation of Functions.*—The Board of Accountancy is hereby delegated all of the technical and professional functions vested in the Commissioners by said Act, including the function of making final determinations in connection with the issuance, denial, suspension, or revocation of certificates. The administrative functions authorized to be performed by the Act are hereby delegated to the Director of the Department of Occupations and Professions: *Provided*, That the functions of (1) adopting and prescribing rules and regulations, (2) establishing the time of frequency for periodic renewal registration, and (3) establishing, abolishing, increasing, or decreasing fees pursuant to authority contained in the Act, shall remain vested in the Commissioners.

C. *Composition of Board and Qualifications and Terms of Office of Members.*—The Board of Accountancy shall be composed of three certified public accountants of the District of Columbia with the qualifications set forth in sec-

tion 4 of the aforesaid Act. The members shall be appointed by the Board of Commissioners for terms of three years. No Board member shall serve more than two consecutive terms.

D. *Compensation.*—Members of the Board of Accountancy shall receive the same rates of honoraria as are set for the other boards and commissions of the Department of Occupations and Professions by Commissioners' Order No. 60-1182, dated June 1, 1960.

E. *Applicability.*—Except where inconsistent with this Part, all other Parts of this Order shall apply to the Board of Accountancy.

ORGANIZATION ORDER NO. 1.—ORIGINATING AGENCY:
Executive Office of the Commissioner

Organization Ord. No. 1, dated Nov. 3, 1967, provided:

WHEREAS, the Board of Commissioners of the District of Columbia, prior to the time Reorganization Plan No. 3 of 1967 (32 F.R. 11669) took effect pursuant to Section 504 thereof, had delegated to various officers, agencies, and employees certain functions, duties, powers and authorities vested in the said Board of Commissioners; and

WHEREAS, Section 401 of Reorganization Plan No. 3 of 1967 provides that at the time such section becomes effective, certain functions of the Board of Commissioners of the District of Columbia, including certain functions of the President of that Board and certain functions of each other member of that Board and including also the executive power vested therein, are transferred to the Commissioner of the District of Columbia; and

WHEREAS, Section 504(b) of Reorganization Plan No. 3 of 1967 provides that Section 401, among other provisions of the Plan, shall become effective when for the first time there are in office under such Plan both (1) the Commissioner provided for in Part III of the Plan, and (2) not less than six members of the Council provided for in Part II of the Plan; and

WHEREAS, the Commissioner of the District of Columbia and the members of the Council have been appointed by the President, their appointments have been confirmed by the Senate, and each of the aforesaid persons has taken an oath or affirmation to support the Constitution of the United States and to faithfully discharge the duties imposed on him as the Commissioner or as a member of the Council, all as required by Reorganization Plan No. 3 of 1967:

NOW, THEREFORE, by virtue of the authority vested in me by Sections 303 and 305 of Reorganization Plan No. 3 of 1967, *It is ordered that:*

All functions, duties, powers, and authorities transferred from the Board of Commissioners, D.C., to the Commissioner of the District of Columbia, pursuant to Section 401 of Reorganization Plan No. 3 of 1967, are hereby delegated, effective at the time of such transfer, to those officers, agencies, and employees to whom or to which such functions, duties, powers, and authorities had been delegated by the Board of Commissioners, D.C., immediately prior to the taking effect of Section 401 of such Plan, this delegation to continue until otherwise ordered, except as hereafter provided; *And it is further ordered that:*

Wherever there appears in the title or body of existing Reorganization and Organization Orders the terms "the Board of Commissioners", "the Commissioners", "the three Commissioners", "a Commissioner", "the President of the Board of Commissioners", "the President, Board of Commissioners", "the Engineer Commissioner", "the Assistant to the Engineer Commissioner", "the Assistant Engineer Commissioner", "the Assistant Engineer Commissioner for Planning and Programming", "the Assistant Engineer Commissioner for Planning", "the Assistant Engineer Commissioner for Urban Development", "the Assistant Engineer Commissioner for Urban Renewal", or "the Assistant Engineer Commissioner for Operations", such terms shall be deemed to refer to the Commissioner of the District of Columbia or such person as he may hereafter designate, and all verbs, and modifying words and phrases used in connection with any such terms shall be deemed amended in accordance with appropriate grammatical usage; *And it is further ordered that:*

Whenever there appears in the title or body of existing Reorganization or Organization Orders the plural pos-

sessive of the term Commissioner, such term shall be deemed amended to the singular possessive; *And it is further ordered that:*

Wherever there appears in the body of existing Reorganization or Organization Orders the phrase "the Commissioner concerned", "the appropriate Commissioner", "the ranking member of the Board of Commissioners who is available and able to do so", "the ranking member of the Board of Commissioners who is available and able to assume command during a disaster", "the Commissioner to whom assigned", or "the designated Commissioner through whom the supervisory responsibility of the Commissioners is exercised", such phrases shall be deemed amended to refer to the Commissioner of the District of Columbia; *And it is further ordered that:*

Wherever there appears in the body of existing Reorganization and Organization Orders the terms "Secretary to the Board of Commissioners", "Secretary, Board of Commissioners", "Commissioners' Staff Assistant for Special Studies and Investigations", or "the three Administrative Assistants to the Commissioners", such terms shall be deemed amended to refer to such person or persons in the Executive Office of the Commissioner (as established by Organization Order No. 2, promulgated simultaneously herewith) as the Commissioner may designate; *And it is further ordered that:*

Wherever there appears in the body of existing Reorganization and Organization Orders the phrases "the Board of Commissioners through the Engineer Commissioner", or "the Board of Commissioners through the Assistant Engineer Commissioner for Urban Renewal", such phrases shall be deemed amended to "the Commissioner"; *And it is further ordered that:*

Wherever there appears in the body of existing Reorganization and Organization Orders the phrases "the Board of Commissioners generally and the Engineer Commissioner specifically", "the Engineer Commissioner and the Board of Commissioners", or "the Commissioners, or the Engineer Commissioner", such phrases shall be deemed amended to "the Commissioner"; *And it is further ordered that:*

The provisions of the Order shall be effective on November 3, 1967, at the time on that day when the functions of the Board of Commissioners of the District of Columbia including functions of the President of that Board and functions of each other member of that Board and including also the executive power vested therein are transferred to the Commissioner of the District of Columbia, pursuant to Section 401 of Reorganization Plan No. 3 of 1967.

ORGANIZATION ORDER NO. 2 (Amendment No. 1).— EXECUTIVE OFFICE OF THE COMMISSIONER

(Organization Ord. No. 2, Commissioner's Order No. 67-23, Dec. 13, 1967.)

By virtue of the authority vested in me by Reorganization Plan No. 3 of 1967, *It is ordered that* Organization Order No. 2 dated November 3, 1967, is hereby amended and reissued in its entirety to read as follows:

PART I

Executive Office of the Commissioner.—There is hereby established, under the direction and control of the Commissioner of the District of Columbia, an Executive Office of the Commissioner. The Commissioner shall have full authority over such Office and all personnel assigned thereto.

PART II

Purpose.—The Executive Office of the Commissioner is established for the purpose of providing such managerial, budgetary, personnel, secretarial, informational and special assistance as the Commissioner may require in the administration of the Government of the District of Columbia. There is hereby transferred to the Executive Office the functions including the duties, powers and authorities of all officers and employees assigned to, and all positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available to the Executive Office of the Board of Commissioners as it existed immediately prior to the effective date of this Order, except as otherwise contained herein.

PART III

Organization.—There are hereby established in the Executive Office of the Commissioner (a) a Management Office, headed by a Management Officer, (b) a Budget Office, headed by a Budget Officer, (c) a Personnel Office, headed by a Personnel Officer, (d) The Secretariat, headed by an Executive Secretary, and (e) such other organizational components and positions, with such duties and titles, as the Commissioner shall from time to time determine.

Program Coordination Office.—There is also established in the Executive Office, the Program Coordination Office, heretofore part of the Staff of the Office of the Director of General Administration, and there is hereby transferred to the Executive Office the functions including the duties, powers and authorities of all officers and employees assigned to, and all positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available to the Program Coordination Office as it existed immediately prior to the effective date of this Order.

Public Affairs Office.—There is also established in the Executive Office, a Public Affairs Office, headed by a Public Affairs Officer, who shall be responsible for supplementing the existing procedures for the preparation and dissemination, chiefly through the media of radio and television, of information to the public concerning the District of Columbia. The Public Affairs Officer also shall be responsible for the preparation of the narrative Annual Report of the Government of the District of Columbia which is submitted to Congress. There is hereby transferred to the Executive Office the functions, including the duties, powers and authorities of all officers and employees assigned to, and all positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available to the Public Affairs Office as it existed immediately prior to the effective date of this Order.

PART IV

Functions.—A. *Management Office.*

1. The Management Office is responsible for:

a. Assisting and advising the Commissioner with respect to planning, developing, coordinating, and directing the management program and related management activities for the District of Columbia Government, covering the complete range of functions contained therein, with the major objectives of economy and increased efficiency. This Office shall also be responsible for making studies and recommendations for developing the organizational structure, distribution and redistribution of functions, lines of authority, staffing, space, methods and procedures necessary for an orderly implementation of Reorganization Plan No. 3 of 1967, requiring a thorough study of existing agencies and departments of the District of Columbia Government and the integration into new staff and operating departments of all functions of the organization to assure efficient and economical operations.

b. Planning, developing, directing and coordinating programs for improved management, such as effective use of automatic data processing systems and equipment, surveys and appraisals of departmental organizations and programs, demographic and statistical studies and research, paperwork management, manpower utilization and similar activities.

2. There are hereby transferred to the Management Office the functions, including the duties, powers and authorities of all officers and employees assigned to the Management Office as it existed immediately prior to the effective date of this Order.

3. All positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available or to be made available relating to the above functions are hereby transferred to the Management Office.

B. *Budget Office.*

1. The Budget Office is responsible for:

a. Assisting and advising the Commissioner and the heads of the departments and offices in the development and implementation of improved budgetary policies, practices, and procedures; administering central internal budgetary coordination and control for the D.C. Government; analyzing budget requests and recommending specific budget estimates which adequately meet program and performance requirements; preparing the budget for

the District Government as approved by the Commissioner and the District of Columbia Council and assisting and participating in the presentation of budget estimates and justifications before the Bureau of the Budget and appropriations committees of the Congress.

b. Developing and preparing for consideration by the Commissioner, policies, procedures, and practices governing the preparation and administration of the budget in the D.C. Government.

c. Advising and assisting the departments and offices in the preparation of budget estimates and supporting data.

d. Analyzing budget estimates prepared by the departments and offices to insure that they properly reflect the financial requirements of the D.C. Government, and assisting in the presentation of such estimates before the Commissioner.

e. Advising and assisting the Commissioner in determining all D.C. Government budget estimates.

f. Preparing the budget estimates for the District Government as approved by the Commissioner and Council.

g. Arranging for and participating in the presentation of budget estimates at hearings before the Congressional appropriations committees.

h. Serving as liaison between the D.C. Government and the Bureau of the Budget and the appropriations committees on budgetary matters.

i. Maintaining budgetary controls over funds appropriated to the D.C. Government, including the making of apportionments of appropriations or changes therein, and the establishment of budgetary and administrative reserves. The actions of the Budget Officer in making apportionments of appropriations or changes therein will be reviewed by the Commissioners.

j. Prescribing systems of records and reports for budget purposes.

k. Receiving and compiling the annual, supplemental and deficiency budget estimates for the District of Columbia.

l. Advising as to anticipated D.C. revenues and the availability of such revenues for general, special, and trust fund purposes.

m. Advising as to proposed legislation involving revenues and expenditures, by cooperation with the Corporation Counsel and other interested officials.

n. Preparing budgetary reports as required by the Commissioner, the Budget Bureau and the Congress; preparing such other budgetary reports as may be required for internal administrative use.

o. Preparing the Financial and Statistical Report which is a supplement to the Annual Report of the District of Columbia.

p. Establishing accounting standards for the District Government and developing an overall system of accounting to reflect the assets and liabilities and financial operations of the District of Columbia; advising and assisting departments and agencies in developing and installing internal accounting systems, including systems for the measurement of costs, in conformance with and auxiliary to the overall system of accounting.

2. There are hereby transferred to the Budget Office the functions, including the duties, powers and authorities of all officers and employees assigned to the Budget Office as it existed immediately prior to the effective date of this Order.

3. All positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available or to be made available relating to the above functions are hereby transferred to the Budget Office.

C. Personnel Office.

1. The Personnel Office is responsible for:

a. Assisting and advising the Commissioner with respect to the promotion of outstanding public service by the District Government, the achievement of efficiency and economy, and the development of high employee competence and enthusiasm; working with the departments to develop personnel policies and programs for consideration by the Commissioner; giving staff advice and assistance to the Commissioner and to the departments on personnel matters.

b. *Classification and pay administration.*—(1) Developing and administering a position classification program

to assure that the principle of equal pay for substantially equal work is followed, and that individual positions are so grouped and identified that the resulting system can be used in all phases of personnel administration. The Personnel Officer is delegated authority to classify finally each position up to and including GS-15, subject to appeal to the Commissioner of the U.S. Civil Service Commission. (2) Identifying and evaluating all wage board positions and furnishing information to the D.C. Wage Scale Board regarding appropriate rate schedules on the basis of surveys or other administrative determinations.

c. *Employment and placement.*—(1) Planning, developing, and administering an employment and placement program to obtain under open competitive opportunities, the best available qualified employees, and maintaining fair and effective promotion policies and procedures. The Personnel Officer is delegated authority to approve, on recommendation by the appropriate department or office heads, appointments to all classified positions up to and including grade GS-13; to all wage board positions; to uniformed positions in the Police and Fire Departments up to and including the rank of lieutenant, and such other position categories as the Commissioner may determine. Such authority is delegated for the purpose of insuring compliance with established job qualification standards and Commissioner's policies, and to assist department and office heads in the selection process. He shall have advisory responsibility to the Commissioner on all appointments to positions above grade GS-13 and above the rank of lieutenant in the Police and Fire Departments. (2) Planning, developing and, when approved by the Commissioner, administering a program for the separation of employees consistent with the needs and best interest of the organization, with governing legal and regulatory requirements, and with sound personnel policies. This program shall include reduction-in-force, resignation, retirement and other types of separations.

d. *Employee training.*—Planning and coordinating employee training programs and providing assistance to supervisors at all levels in exercising their fundamental responsibility for training subordinate employees. Such assistance will be given in connection with determination of training needs, development of training program content and schedules, provision of competent instruction, and evaluation of results.

e. *Employee relations.*—Developing and administering an employee relations program to safeguard the rights of the employee, to inform him of things which affect him, to assure him that his well being is a matter of concern and to help bring about a realization on the part of management of its obligations in this respect. Included under this function are: the development of a system of employee participation on personnel matters; the improvement of working conditions; the provision for counseling services for employees; the adjustment of grievances; the handling of disciplinary matters; the planning and administration of a program for special incentives; and the administration of a comprehensive employee-management cooperation program.

f. *Performance evaluation.*—Planning and administering a program for evaluating employee performance.

g. *Records and reports.*—Processing personnel actions, maintaining official personnel records and files (except payroll, leave and retirement records) and preparing periodic and special reports, or providing for the performance of such functions by other organizations.

h. *Safety management.*—Planning, developing and maintaining a comprehensive program to protect employees and property from loss due to accidents.

i. *Disability compensation.*—Administering provisions of the Federal Employees Compensation Act of September 7, 1961, as amended, relating to medical care and disability compensation payments for employees who have been injured or who have contracted a disease in the performance of duty.

j. *Economic opportunity.*—Planning, coordinating, and evaluating personnel aspects of the economic opportunity programs conducted within District Government departments and agencies.

k. *Incentive awards.*—Planning and administering a program to recognize employees for beneficial suggestions and for superior performance on the job.

1. *Advisory duties.*—Serving in an advisory capacity in all personnel matters to the Commissioner and the various departments and offices of the D.C. Government.

m. The Personnel Office may redelegate in whole or in part to heads of departments and offices the functions including the duties set forth in subsection I of Section C. of this Part IV.

2. There is hereby established a District of Columbia Wage Scale Board, consisting of the Personnel Officer as Chairman and other members to be appointed by the Personnel Officer, D.C., as the need arises, including: one departmental representative from each of the six departments having the largest number of wage board employees, and employee representatives to be selected from among the various departments. The function of such Board shall be to advise the Commissioner as to the wage rates that should be paid those employees authorized by law to be employed under wage board procedures.

3. There are hereby transferred to the Personnel Office the functions, including the duties, powers and authorities of all officers and employees assigned to the following agencies, divisions and sections as they existed immediately prior to the effective date of this Order:

Office of the Personnel Officer
Employment and Training Division
Classification Division
Salary and Wage Division
Board of Appeals on Wage Board Positions
D.C. Wage Scale Board.

4. All positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available or to be made available relating to the above functions are hereby transferred to the Personnel Office.

D. The Secretariat.

1. The Secretariat is responsible for:

a. Performing ministerial duties for the Commissioner; maintaining official records relieving the Commissioner of the burden of taking, in the name of the District Government, action in such matters as the Commissioner shall from time to time specifically determine.

b. Preparing and issuing Commissioner's Orders, proclamations, directives, administrative issuances to heads of departments and statements to the public and press.

c. Maintaining official records of Commissioner actions in appropriate form, including orders, letters sent, and approved legal opinions.

d. Maintaining mailing lists of citizens and other groups interested in the civic affairs of the District.

e. Handling for the Commissioner a wide variety of complaints and inquiries made by the public by letter, telephone, or personal visits in such manner as will best conserve the time of the Commissioner.

f. Maintaining a follow-up system to insure compliance with Commissioner's decisions and directives by heads of all departments and offices of the District Government.

g. Acting for the Commissioner in carrying out the provisions of Section 4(c)(2) of the District of Columbia Unemployment Compensation Act as amended by Public Law 721, 83rd Congress, approved August 31, 1954.

h. Maintaining general files on all categories of records pertinent to the actions of the Commissioner.

i. Attesting to the authenticity of official records.

j. Serving as sole custodian of the Seal of the District of Columbia and being responsible for its proper use.

k. Being responsible for the publication, storage, sale and distribution of all codes, maps, regulations and amendments thereto including accountability for the D.C. Publications Fund, affecting the general public and maintaining of such codes, maps, regulations and amendments thereto, in a form readily accessible to the public.

2. There are hereby transferred to The Secretariat the functions enumerated in Subsection 1 of Section D of this Part IV, including the duties, powers and authorities of all officers and employees performing such functions and assigned to the Office of the Secretary as it existed immediately prior to the effective date of this Order.

3. All positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available or to be made available relating to the

functions enumerated in Subsection 1 of Section D of this Part IV are hereby transferred to The Secretariat.

PART V

Revocations and abolitions.—Reorganization Orders of the former Board of Commissioners, Numbers 3 (Department of General Administration, August 28, 1952, as amended), 8 (Management Office, September 25, 1952, as amended), 21 (Personnel Office, November 20, 1952, as amended), 24 (Budget Office, December 30, 1952, as amended), 124 (Public Affairs Office, October 22, 1959, as amended), and 40 (Executive Office of the Board of Commissioners, June 23, 1953) are hereby revoked and the departments, offices and officers which were established thereby are abolished, subject to such measures and dispositions made by the Bureau of the Budget pursuant to Section 502 of Reorganization Plan No. 3 of 1967. All other Reorganization and Organization Orders of the former Board of Commissioners, or parts thereof, to the extent that they are inconsistent with this Order, but only to that extent, are hereby revoked.

PART VI

Effective date.—The provisions of this Order shall be effective on December 13, 1967.

ORGANIZATION ORDER NO. 3 (Amendment No. 1).— DEPARTMENT OF GENERAL ADMINISTRATION

(Organization Ord. No. 3, Commissioner's Order No. 67-24, Dec. 13, 1967.)

By virtue of the authority vested in me by Reorganization Plan No. 3 of 1967, *It is ordered that* Organization Order No. 3 dated November 3, 1967 is hereby amended and reissued in its entirety to read as follows:

PART I

Department of General Administration.—There is hereby established under the direction and control of the Commissioner of the District of Columbia, a Department of General Administration, headed by a Director of General Administration. The Commissioner shall have full authority over such Department and Director and over all personnel assigned to such Department. There is hereby transferred to the Department of General Administration all employees assigned to the Department of General Administration as it existed immediately prior to the effective date of this Order and not otherwise assigned by this or any other organization order.

PART II

Purpose.—The Department of General Administration is established for the purpose of providing such administrative, auditing, financial and procurement assistance as may be required in the administration of the Government of the District of Columbia.

PART III

Organization.—There are hereby established in the Department of General Administration (1) an Administrative Services Office, headed by an Administrative Services Officer, (2) an Internal Audit Office, headed by an Internal Audit Officer, (3) a Finance Office, headed by a Finance Officer, (4) a Procurement Office, headed by a Procurement Officer, and (5) such other organizational components and positions with such duties and titles as the Commissioner shall from time to time determine.

PART IV

Functions.—A. *Administrative Services Office.*

1. The Administrative Services Office is responsible for:

a. Assisting and advising the Director, Department of General Administration, with respect to promoting maximum efficiency in the performance of various housekeeping functions common to departments and offices in conformance with policies of the Commissioner.

b. Performing, reviewing or making recommendations for furnishing printing, duplicating, binding, blueprinting, photostating, microfilming, and selecting necessary equipment therefor.

c. Providing a mail and messenger service which shall receive and dispatch mail as assigned and installing and operating such internal mail and messenger system as may be authorized by the Commissioner after study.

d. Reviewing space needs, except public space, and submitting reports and recommendations for assignments to the Director of General Administration (and to the Com-

missioner when appropriate) and executing control of approved assignments. Coordinating moving of office and other equipment in consequence of space assignments or reassignments by the Commissioner which shall include, among others, such matters as fixing the date of moving, and insuring public notice thereof where necessary. Departments and offices having facilities for assisting in the performance of such moving shall, upon request of the Administrative Services Officer, contribute them to such purpose to the limit of their capabilities.

e. Reviewing and promoting the most effective assignment of office equipment and establishing its useful life for purpose of replacement.

f. Maintaining records of the assignment of all District-owned passenger carrying vehicles, except those assigned to the Police and Fire Departments, and continually studying the utilization of them for the purpose of recommending reassignment or retirement.

g. Maintaining complete records of space allotted to District employees for parking privately owned motor vehicles on District or Federally owned property, reviewing requests for and making recommendations for assignments and executing control of approved assignments.

h. Developing and executing a complete program for property administration covering real and personal property of the District Government, performing the work on a centralized basis for real property, but developing and supervising an effective decentralized program for personal property. This program shall include the acquisition of real property, except condemnation proceedings and dedications of streets, alleys, etc.; outleasing and disposition of real property; demolition of abandoned or condemned structures on District Government land; sale or disposition of unserviceable, surplus or trade-in equipment and scrap material; acquisition and distribution of surplus property for educational, public health, civil defense and other purposes authorized by law; and inventory control procedures. Supplementing but excluded from jurisdiction of the program are the fiscal control accounts required in the chief accountant's office for purposes of effective internal controls.

2. There are hereby transferred to the Administrative Services Office the functions enumerated in Subsection 1 of Section A of this Part IV, including the duties, powers and authorities of all officers and employees assigned to the following agencies, divisions and sections as they existed immediately prior to the effective date of this Order:

Office of the Administrative Services Officer
Educational Surplus Property Division
Printing and Reproducing Division
Real Estate Division
Personal Property Utilization Division
Business Management Division

3. All positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available or to be made available relating to the functions enumerated in Subsection 1 of Section A of this Part IV are hereby transferred to the Administrative Services Office.

B. Internal Audit Office.

1. The Internal Audit Office is responsible for:

a. Assisting and advising the Director, Department of General Administration, with respect to developing and maintaining a system for the continuous or periodic examinations of the accounts and financial practices of the District of Columbia Government to the end that the Commissioner, the Director of General Administration, and the various department and office heads will be informed as to the currency, accuracy, and integrity of financial accounts and records in conformance with policies of the Commissioner.

b. Verifying transactions and balances pertaining to income, expenditures and transfer of all appropriated funds, special limitations imposed by Congress, special and trust funds, and allotments to the extent necessary to ascertain compliance with established laws, regulations, policies and procedures.

c. Preparing periodic reports relative to the conditions of the accounting systems, the propriety of operations and transactions, and any defalcations or other failures to account for funds.

d. Making specific recommendations for correcting deficiencies in the accounting systems, as these are revealed by either the continuous or the periodic audits.

e. Reviewing and appraising existing accounting policies and procedures in terms of their adequacy and effectiveness in controlling income, expenditures, funds, property and other assets, including costs, and in disclosing financial information to management at various levels.

f. Serving in an advisory capacity in matters pertaining to internal accounting and control.

g. Pursuant to the provisions of Public Law 561, 85th Congress, 2d Session, approved July 28, 1958, serving as the designated agent of the Commissioner in certifying as to the accuracy of the financial statement required of the Armory Board by Section 10 of the District of Columbia Stadium Act of 1957.

h. Acting for the Director of General Administration, coordinating with District departments concerned, all audit reports submitted by the General Accounting Office in their review of District Government activities.

2. There are hereby transferred to the Internal Audit Office the functions, including the duties, powers and authorities of all officers and employees assigned to the Internal Audit Office as it existed immediately prior to the effective date of this Order.

3. All positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available or to be made available relating to the above functions are hereby transferred to the Internal Audit Office.

C. Finance Office.

1. There are hereby established in the Finance Office, under the supervision and direction of the Finance Officer, the following organizational components:

Office of the Finance Officer
Property Tax Division
Revenue Division
Treasury Division
Accounting Division
Data Processing Division
Board of Equalization and Review

2. The Finance Office is responsible for:

a. Assisting and advising the Director of the Department of General Administration and where appropriate the Commissioner with respect to administering the laws and regulations relating to taxes, fees, and assessments; collecting and depositing all revenues of the District of Columbia in appropriate depositories and monitoring appropriate accounts relating thereto; maintaining centralized general ledger and appropriation accounts and controls reflecting the assets and liabilities and financial operations of the District of Columbia, and allotment accounts for control of funds available for expenditure, and preparing necessary accounting reports and financial statements thereon; and preauditing certifying and properly disbursing District of Columbia funds.

b. *Office of the Finance Officer:*

(1) Developing and proposing to the Director of General Administration and where appropriate the Commissioner major programs, policies and procedures on all taxation and fiscal matters within the purview of the Finance Office's functions.

(2) Being responsible for overall administration execution, and interpretation of the applicable laws and regulations relating to taxation and finance within the purview of the Finance Office's functional responsibility and scope of operations.

(3) Planning the programs and prescribing the policies of the Finance Office and planning, directing, coordinating and supervising its activities in accordance with the overall policies of the Department of General Administration.

(4) Reviewing proposed plans and legislation relating to finance and revenue matters originating within the Finance Office or with the departments or agencies of the District of Columbia Government and consulting with and advising the Director of General Administration and the Commissioner in fiscal and revenue matters.

(5) Studying the fiscal system for the purpose of determining the economic consequences of the existing structure or alternate structures and developing overall fiscal research program including estimating tax revenue; preparing monthly, annual and special reports.

(6) Reviewing and approving or modifying assessments of real property prior to action by the Board of Equalization and Review; reviewing personal property assessments and administrative determinations of tax liability for all other taxes and taking appropriate action.

(7) When such action is warranted waiving interest or penalties, or both, on all taxes administered by the Finance Office other than special assessments. For those amounts in excess of the tolerance established by the Finance Officer, with the approval of the Director of General Administration, for routine processing, billing and collecting of penalty and interest, maintaining appropriate records showing actions taken and reasons therefor.

(8) For those taxes other than real estate taxes administered by the Finance Office, making final determinations on all requests for tax exemption in accordance with applicable laws, regulations, and Corporation Counsel opinions; and maintaining appropriate records showing actions taken and reasons therefor.

(9) For those taxes administered by the Finance Office, making final determinations on all offers in compromise for settling tax liability; and maintaining appropriate records showing actions taken and reasons therefor. In those cases where litigation is pending or where no legal precedent has previously been established but legal advice is necessary or desirable, consulting with the Corporation Counsel.

(10) Administering as agent of the Commissioner of the District of Columbia, the provisions of Public Law 85-558, 85th Congress, 2d Session, approved July 25, 1958 (D.C. Code, Sec. 25-124).

(11) Certifying to the Secretary of the Treasury amounts requested to be restored from lapsed appropriations as being necessary for the payment of audited claims under such appropriations and, provided, the D.C. Budget Office shall be informed of all such amounts certified, pursuant to the provisions of Section 14, District of Columbia Appropriation Act of 1959, approved August 6, 1958.

(12) Except as to such duties and functions as are performed in conjunction therewith by the Recorder of Deeds, D.C., administering, as agent of the Commissioner, the provisions of Title III of Public Law 87-408, 87th Congress, approved March 2, 1962.

c. *Property Tax Division:*

(1) Valuing all real estate, taxable and exempt, and all taxable tangible personal property for assessment purposes.

(2) Making studies of property values and developing appraisal standards and techniques.

(3) Conducting sales ratio studies and determining depreciation and obsolescence factors.

(4) Preparing and maintaining tax maps and other necessary records.

(5) Approving the levying of all special assessments against real estate as provided by law and regulations; assessing rents for vault space upon information furnished by the Director of Highways; and, upon written notification from the Director of Licenses and Inspections, the Director of Public Health, or the Board for the Condemnation of Insanitary Buildings, that a nuisance has been abated or an illegal or insanitary condition has been corrected, as the case may be, including a statement of the exact cost of such abatement or correction, recording proper assessment and rendering bills thereon as provided by law.

(6) Administering real estate tax sales.

(7) Performing such incidental duties as may be necessary for the proper performance of the functions assigned.

d. *Revenue Division:*

(1) Developing and conducting audit programs and determining extent of tax liability in connection with the administration of income and franchise, sales, use and excise, inheritance and estate and other related taxes.

(2) Developing and conducting investigation and compliance programs and determining extent of tax liability in connection with the aforesaid taxes.

(3) Conferring with taxpayers with respect to protests of proposed assessments.

(4) Administering and executing the licensing requirements of the tax laws and regulations administered by the Finance Office.

(5) Performing such incidental duties as may be necessary for the proper performance of the functions assigned.

e. *Treasury Division:*

(1) Collecting revenues of the District of Columbia, accounting for and distributing all collections into appropriate revenue accounts, and depositing with the Treasurer of the United States all funds so received.

(2) Making disbursements in accordance with law and regulations, in cash or by checks drawn on the Treasurer of the United States, based on vouchers and payrolls duly certified by a designated certifying officer, and being accountable therefor.

(3) Being responsible for all balances with the United States Treasury.

(4) Dispensing and accounting for tax stamps.

(5) Being responsible for the custody of trust fund securities.

(6) Conducting programs relating to the enforcement of collections of delinquent taxes, referring to the Corporation Counsel those accounts requiring court action.

(7) Conducting investigations and taking such action as is provided by law to enforce collection of delinquent and unpaid tax accounts, including the filing of liens and the seizure of goods and chattels and the public or private sale of same.

(8) Conferring with other jurisdictions with respect to reciprocal agreements on tax matters, and making appropriate recommendations to higher authority.

(9) Selling at private sale all goods and chattels seized for nonpayment of District taxes when the highest bid offered therefor at public auction is not sufficient to meet the amount of taxes, penalties and costs due thereon; and defraying the cost of advertising, handling, auctioneer's fee and other expenses incidental to the holding of such sale, from the proceeds therefrom.

f. *Accounting Division:*

(1) Maintaining centralized general ledger accounts and controls reflecting the assets and liabilities and financial operations of the District of Columbia, and establishing and maintaining allotment accounts for control of funds available for expenditure.

(2) Maintaining accounting records for, preparing, and certifying payrolls.

(3) Preauditing and certifying the correctness and propriety of obligations and expenditures.

(4) Maintaining records and reports and performing duties pertinent to retirement administration and accounting, the Federal Employees Life Insurance program, and United States savings bond accounting.

(5) Compiling and preparing accounting information and reports for the purpose of reflecting the financial status and condition of the District Government or any of its parts.

(6) Reviewing requests for official travel by all District offices and employees as to form and authority, issuing transportation requests and instructing travelers and departments in the requirements of the travel regulations and Commissioner's travel policies.

g. *Data Processing Division:*

(1) Utilizing electronic data processing systems and related equipment performing centralized data processing operations for the Finance Office including but not limited to tax accounting and payroll programs.

(2) From time to time performing automatic data processing services for the departments and agencies of the District of Columbia based on the needs and requirements of such departments and agencies and the Division's schedule of operations.

(3) Performing such other related duties as may be necessary for the proper performance of the functions assigned.

3. *Board of Equalization and Review:*

a. There is established in the Finance Office a Board of Equalization and Review composed of the Finance Officer as Chairman, and two or more qualified officials of the Finance Office to be designated by the Finance Officer. The Chairman may designate an alternate Chairman to serve in his stead.

b. The Board shall formulate rules of procedures for the conduct of its affairs. Any three members of said Board meeting at the call of the Chairman shall constitute a quorum.

c. The functions to be performed by the Board of Equalization and Review shall include but not be limited to the following:

(1) Reviewing and equalizing real estate assessments in the manner prescribed by law.

(2) Hearing complaints against real estate assessments and taking appropriate action in the manner prescribed by law.

(3) Transmitting equalized assessments to the Commissioner for approval as prescribed by law.

4. *Committee on Special Assessment Appeals.*—There is hereby established a Committee on Special Assessment Appeals, such Committee to comprise an Assistant Corporation Counsel designated by the Corporation Counsel, the Finance Officer, and an official of the Finance Office to be designated by the Finance Officer. The Assistant Corporation Counsel shall be Chairman of the Committee.

The Committee is hereby delegated the following authorities and its decisions thereon shall be final: (a) abating, reducing, or adjusting special assessments due the District of Columbia in accordance with its findings; and (b) waiving, in whole or in part, interest or penalties, or both, on special assessments due the District of Columbia.

5. There are hereby transferred to the Finance Office the functions, including the duties, powers and authorities of all officers and employees assigned to the following agencies, divisions and sections as they existed immediately prior to the effective date of this Order.

Office of the Finance Officer

Property Tax Division

Revenue Division

Treasury Division

Accounting Division

Data Processing Division

Board of Equalization and Review

6. All positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available to or to be made available relating to the above functions are hereby transferred to the Finance Office.

D. *Procurement Office.*

1. The Procurement Office is responsible for:

a. Assisting and advising the Director of the Department of General Administration and where appropriate the Commissioner with respect to obtaining the maximum advantages of centralized purchasing and developing, installing, and supervising effective and simplified purchasing policies and procedures for departments and offices of the District of Columbia Government.

b. Entering into and administering contracts on behalf of the District of Columbia, including approval of performance bonds when such bonds are required, for all supplies, materials, equipment, and services except as provided in Subdivision p. hereof. Such contracts shall be subject to certification by the Accounting Officer that they are correct and proper for payment in the verified amount, determination as to legal sufficiency in such manner as meets the requirements of the Corporation Counsel, and in the case of each contract in excess of \$50,000, subject also to approval of the executed formal contract by the Commissioner or his designee.

c. Executing change orders under contracts, subject to certification by the Accounting Officer that they are correct and proper for payment in the verified amount, determining legal sufficiency in such manner as meets the requirements of the Corporation Counsel, and, in the case of each change of the Corporation Counsel, and, in the case of each change order in excess of \$10,000, subject also to approval of the written change order by the Commissioner or his designee.

d. Purchasing, in accordance with such instructions as the Director of General Administration may from time to time give, surplus and excess Federal personal property for departments and officers of the District of Columbia Government.

e. Initiating and developing, in collaboration with departments and offices, up-to-date and effective purchasing policies and programs for consideration by the Director of the Department of General Administration and where appropriate the Commissioner.

f. Creating and adopting, subject to the approval of the Director of General Administration, the most simplified purchasing procedures in the interest of economizing on administrative costs and expediting action.

g. Collaborating with Contracting Officers, appointed by the Commissioner as provided for in Subdivision p. hereof, in developing and implementing effective contracting procedures which are designed to expedite the work of the Contracting Officers.

h. Performing centralized services in connection with contract administration for departments and offices of the District of Columbia Government such as advertising for competitive bids, opening and tabulating bids, preparing formal contracts and bonds after awards are made by the authorized Contracting Officer, and preparing all types of contractual documents, except leases for real property. All such services shall be performed in accordance with operating procedures and administrative requirements as are established by the Procurement Officer, subject to the approval of the Director of General Administration and after transmittal to the Corporation Counsel for comment and advice.

i. Preparing periodic economic reports dealing with the field of purchasing, and furnishing estimated price data when requested by the Budget Officer, D.C., preparing such other reports as required for internal administrative use or requested by the Director of General Administration.

j. Represent D.C. Government in all relationships with Federal agencies concerning procurement and supply matters including negotiations of agreements for cooperative procurement programs.

k. Serving in an advisory capacity to the Commissioner, the Director of General Administration, and department and office heads in matters pertaining to purchasing and contracting.

l. Conducting a continuous program of analysis, appraisal, and cataloging of materials and supplies procured for District departments and offices in the interest of standardization and economy. Keeping informed on new products manufactured and technological changes and improvements in manufacturing processes, and, on the basis of such information considering, in collaboration with using agencies, alternate or substitute materials.

m. Furnishing and certifying as true, copies of contracts, bonds, and other documents which are in the official custody of the Procurement Office upon application and payment, by persons other than officials of the District of Columbia, of such fees as may be established by the Government of the District of Columbia.

n. Administering all functions dealing with the bonding of District employees for faithful performance of their official duties, including the fixing of penal sums of bonds wherein such bonding is dictated by existing laws, regulations, Commissioner's Orders, and other elements consistent with the public interest. Creating and adopting the most economical and simplified system and procedures for administering all matters connected therewith.

o. Purchasing by departments and offices.

(1) Subject to all applicable statutes, regulations and directives, including controls established by the Procurement Officer, with the approval of the Director of General Administration.

(a) Heads of departments and offices are authorized to purchase or contract for supplies, materials and services in amounts not exceeding \$500.

(b) Such heads of departments and offices as may from time to time be determined in writing by the Director of General Administration are authorized to purchase or contract for such supplies, materials, equipment and services, in such manner, subject to such restrictions, and in such amounts in excess of \$500 but not exceeding \$2,500, as may be specified in such written determination.

(2) When the public exigencies require the immediate delivery of supplies, materials, or equipment or performance of services, the Director of Buildings and Grounds, D.C., the Director of Highways, D.C., and the Director of Sanitary Engineering, D.C., may purchase or contract for the same in amounts not exceeding \$50,000, subject, when the amount of any such purchase or contract exceeds \$500, to approval by the Commissioner or his designee.

unless such Director shall certify that it was impractical to obtain such approval.

(3) Authority vested in heads of departments and offices pursuant to paragraph (1) hereof may be redelegated by such heads of departments and offices to other officials or employees within their respective organizations.

p. Appointment of Contracting Officers.

(1) The employees occupying each of the following positions are hereby appointed Contracting Officers for the District of Columbia, subject to all applicable laws, rules, and regulations, and such instructions as the Commissioner may from time to time give:

(a) Director of Buildings and Grounds, D.C.

(b) Director of Highways and Traffic, D.C.

(c) Director of Sanitary Engineering, D.C.

(d) Chief, Real Estate Division, Administrative Services Office, Department of General Administration.

(e) Chief, Personal Property Utilization Division, Administrative Services Office, Department of General Administration.

(2) The employees occupying the following positions are appointed Alternate Contracting Officers, and each is authorized to exercise all the powers vested by paragraph (3) hereof in the Contracting Officer for whom he is named Alternate, subject to all limitations upon the powers of such Contracting Officer, during the unavailability of such Contracting Officer and at such times and for such purposes as such Contracting Officer may designate in writing and also from the date of separation of such Contracting Officer from the services of the District of Columbia and until the successor to such Contracting Officer is appointed:

(a) Deputy Director of Buildings and Grounds, and Chief, Office of Design and Engineering, as alternates for Director of Buildings and Grounds, D.C., but said Chief, Office of Design and Engineering, shall exercise the powers and authority herein vested only during the disability or other absence from duty of the Deputy Director of Buildings and Grounds and then only as specifically designated in writing.

(b) Deputy Director of Highways and Traffic and Deputy Director of Design, Engineering and Research as alternates for Director of Highways and Traffic, but said Deputy Director of Design, Engineering and Research shall exercise the powers and authority herein vested only during the disability or other absence from duty of the Deputy Director of Highways and Traffic and then only as specifically designated in writing.

(c) Deputy Director of Sanitary Engineering, and Associate Director, Engineering and Construction, as alternates for Director of Sanitary Engineering, D.C., but said Associate Director, Engineering and Construction, shall exercise the powers and authority herein vested only during the disability or other absence from duty of the Deputy Director of Sanitary Engineering and then only as specifically designated in writing.

(d) Supervisor, Acquisition Section, as alternate for the Chief, Real Estate Division, Administrative Services Office, on all contracts for acquisition by purchase of real property; and Supervisor, Management and Disposal Section, as alternate for the Chief, Real Property Division, Administrative Services Office, on all contracts for demolition of improvements on real property and for managing, leasing, or disposing of real property.

(3) Each Contracting Officer is authorized to:

(a) Enter into and administer contracts on behalf of the District of Columbia, including approval of performance bonds when required, with respect to all types or classes of work now or hereafter placed under his supervision. Such contracts shall be subject to certification by the Accounting Officer that they are correct and proper for payment in the verified amount, determination as to legal sufficiency in such manner as meets the requirements of the Corporation Counsel, and, in the case of each contract in excess of \$50,000, subject also to approval of the executed formal contract by the Commissioner.

(b) Execute change orders under such contracts, subject to certification by the Accounting Officer that they are correct and proper for payment in the verified amount, determination as to legal sufficiency in such manner as meets the requirements of the Corporation Counsel, and, in the case of each change order in excess of \$10,000,

subject also to approval of the written change order by the Commissioner.

(c) Whenever 50 per centum of the work required under a contract for construction has been completed and payments therefor have been made, the Contracting Officer, in his sole discretion, may authorize subsequent payments to be made to the contractor without withholding from such subsequent payments 10 per centum thereof as required by Section 1-807, D.C. Code, 1951 ed. (now 1967 ed.), or the said Contracting Officer may authorize retention from such subsequent payments of less than 10 per centum thereof; and the said Contracting Officer, in his sole discretion, may further authorize payment in full, including retained percentages, for each separate building or public work on which the price is stated separately in the contract upon completion and acceptance of such building or work.

(4) Whenever a question arises either as to the type or class of work embraced by a particular proposed contract, or whether a particular proposed contract is for equipment, materials, or supplies, such question(s) shall be decided by the Chairman, or in his absence, the Alternate Chairman, of the Contract Advisory Committee; and the said Chairman, or Alternate Chairman, is hereby authorized, by separate action in each specific instance, to place particular items of work under the supervision of any of the Contracting Officers herein appointed, solely for the purpose of entering into and administering contracts on behalf of the District of Columbia for such items of work, even though such item is not of a class or type otherwise under the supervision of such Contracting Officer. In any case where action hereunder by the Chairman or Alternate Chairman is unsatisfactory to any Contracting Officer such action shall, at the request of such Contracting Officer, be referred to the Director of General Administration for decision, or for further referral to the Commissioner for his decision. As used in this subsection "Contracting Officer" shall include the Procurement Officer.

(5) The Director of Licenses and Inspections is hereby appointed Contracting Officer for the District of Columbia and is authorized to enter into and administer contracts for (1) taking down, removing or otherwise making safe unsafe structures or excavations in accordance with the Unsafe Structures Act of March 1, 1899, as amended, Secs. 5-501 to 5-508, D.C. Code, 1961 ed. (Supp. V) (now 1967 ed.); (2) construction or installation of means of egress or other appliances in accordance with the provisions of the Means of Egress Act of December 24, 1942, Secs. 5-317 to 5-323, D.C. Code, 1961 ed. (now 1967 ed.).

(6) The Chairman of the Board for the Condemnation of Insanitary Buildings is hereby authorized to enter into and administer contracts for repairs, changes or demolition and removal of insanitary buildings in accordance with the Act to Create a Board for the Condemnation of Insanitary Buildings of May 1, 1906, as amended, Secs. 5-616 to 5-631, D.C. Code, 1961 ed. (Supp. V) (now 1967 ed.).

(7) The Director of Licenses and Inspections and the Chairman of the Board for the Condemnation of Insanitary Buildings shall carry out their functions as Contracting Officer subject to the provisions of paragraph (3) of this Part except that: (1) In the case of contracts in excess of \$5,000, subject also to approval of the executed formal contract by the Commissioner; (2) In the case of change orders in excess \$1,000, subject also to approval of the written change order by the Commissioner.

2. Contract Appeals Board, D.C.

a. There is established a Contract Appeals Board, D.C., consisting of an Assistant Corporation Counsel designated by the Corporation Counsel, a designee of the Commissioner, and any one of two or more persons appointed by the Commissioner, from among active or retired District of Columbia officers or employees who have had practical experience in the administration of government contracts, as may be designated from time to time by the Chairman of the Contract Appeals Board. Any two members shall constitute a quorum for the transaction of any business of the Board.

No person shall serve as a member of the Board in any case in which the appeal has been taken from the action of a Contracting Officer or Alternate Contracting Officer of the department of which he is, or at the time

of his retirement was, the Director or an employee. The Assistant Corporation Counsel member shall serve as Chairman of the Contract Appeals Board and in his absence the designee of the Commissioner shall serve as Chairman.

b. The functions of the Contract Appeals Board shall be to hear, to review, and to decide upon all protests and appeals from actions by Contracting Officers, including the Procurement Officer, where the Contracting Officer is unable to satisfy the contractor that the action taken was a proper action, and such other contractual appeals, or classes thereof, as the Commissioner may from time to time order. Upon request of the contractor or of the contracting officer, and with the consent of the other, the subject matter of an appeal shall be remanded to the Contracting Officer, who shall thereupon reconsider his appealed decision, and upon such remand the appeal shall be dismissed. The decision of the Contract Appeals Board in every case shall be final subject to the limitations of Section 3(b)(2) of Reorganization Plan No. 5 of 1952.

c. The Contract Appeals Board is authorized to formulate rules governing its own procedures, including the establishment of time limitations and the development of methods of perfecting appeals to it.

d. The Chairman of the Contract Appeals Board shall be responsible for obtaining the necessary secretarial assistance for the Board, and shall maintain centralized custody over all records pertaining to meetings held and actions taken.

e. The activities of the Board shall be considered investigations or examinations of municipal matters within the meaning of the Act of July 1, 1902, D.C. Code, 1951 ed., § 1-237 (now 1967 ed.), and the members of said Board shall possess the powers vested in the Commissioners by said Act of July 1, 1902.

3. Contract Advisory Committee

a. There is established a Contract Advisory Committee consisting of the Director of Buildings and Grounds who shall serve as Chairman, and such other members as the Chairman from time to time shall select from among the various District Government departments and offices. The Director of Highways and Traffic shall serve as Alternate Chairman of the Contract Advisory Committee during the absence of the Chairman. Any three members of the said Committee shall constitute a quorum for the transaction of business.

b. The purpose of the Contract Advisory Committee is to make available to the Commissioner, the Director of General Administration, and the Contracting Officers appointed by the Commissioner, assistance and advice on all contracting matters.

c. The Procurement Officer shall be responsible for providing the necessary secretarial assistance for the Committee, and for maintaining a central file of its records and reports.

4. Authority to determine fair market prices for products and services of the industrial enterprises of the D.C. Workhouse and Reformatory.

a. Authority is hereby delegated to the Director of Corrections, D.C., in collaboration with the Procurement Officer, D.C., to determine, on and after this date, the fair market prices to be charged by the Department of Corrections for products and services of the Industrial Enterprises of the D.C. Workhouse and Reformatory. Should the Director of Corrections and the Procurement Officer fail to agree as to the fair market price of any such product or services, their respective recommendations, with reasons therefor, shall be submitted to the Commissioner for final determination.

b. The Director, Department of Corrections, is hereby appointed as Contracting Officer for the District of Columbia subject to all appropriate laws, rules and regulations and such instructions as the Commissioner may from time to time give: *Provided*, That his authority as Contracting Officer is limited to execution and administration of contracts with the various departments of the District of Columbia and the Federal Government and with any State or subdivision of a State, of any Commonwealth, Territory or possession of the United States for the sale of products and services produced by the Industries Division of the Department of Corrections. The Director, Department of Corrections, is authorized to redelegate to other officials of the Depart-

ment of Corrections the authority contained herein to act as Contracting Officer, provided such redelegation be in writing and filed in the Procurement Office and in the Accounting Office.

5. There are hereby transferred to the Procurement Office the functions, including the duties, powers and authorities of all officers and employees assigned to the following agencies, divisions and sections as they existed immediately prior to the effective date of this Order:

Office of the Procurement Officer
Requirements Division
Technical Buying and Negotiated Services Division
Bid and Contract Division
General Buying Division
Supply Programming Division
Contract Advisory Committee

6. All positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available or to be made available relating to the above functions are hereby transferred to the Procurement Office.

PART V

Revocations and Abolitions.—The Organization Orders of the former Board of Commissioners Number 3 (Department of General Administration, August 28, 1952, as amended), 18 (Administrative Services Office, October 23, 1952, as amended), 19 (Internal Auditor Office, November 10, 1952, as amended), 121 (Finance Office, December 12, 1957, as amended), and 29 (Procurement Office, September 17, 1952, as amended), are hereby revoked and the departments, offices and officers which were established thereby are abolished. All other Reorganization and Organization Orders of the former Board of Commissioners, or parts thereof, to the extent that they are inconsistent with this Order, but only to that extent, are hereby revoked.

PART VI

Effective date. The provisions of this Order shall be effective on December 13, 1967.

ORGANIZATION ORDER NO. 4

This Org. Ord. dated Nov. 3, 1967, is an amendment of Reorg. Ord. No. 50; see that order, *supra*.

ORGANIZATION ORDER NO. 5

This order dated Nov. 3, 1967, is an amendment of Org. Ord. No. 127; see that order, below.

ORGANIZATION ORDER NO. 6.—BOARD OF PAROLE

(Organization Ord. No. 6, Commissioner's Order No. 67-95, Dec. 26, 1967.)

By virtue of the authority vested in me by Reorganization Plan No. 3 of 1967, *It is ordered that*: Reorganization Order No. 33, dated May 28, 1953, as amended, is hereby redesignated Organization Order No. 6 and amended to read as follows:

PART I

Board of Parole.—There is hereby established in the Government of the District of Columbia a Board of Parole, headed by a Chairman. The supervisory responsibility of the Commissioner for the activities of the Board of Parole shall be exercised by the Commissioner or his designee.

PART II

Purpose.—The Board of Parole is established to: determine if and when it is in the best interest of society and the offender to release him into the community on parole or on conditional release in the case of committed young offenders; determine the terms and conditions of such parole or release; determine, in collaboration with the Department of Corrections, standards of supervision for persons on parole or conditional release; and determine if and when to terminate a parole or conditional release or to modify the terms or conditions thereof.

PART III

Composition and membership.—The Board of Parole shall consist of three members who shall be appointed by the Commissioner. Persons appointed to membership on the Board of Parole shall be selected on the basis of their broad experience in responsible positions in the fields of correctional service, rehabilitation, law, or education in related fields of behavioral sciences.

PART IV

Chairman, Board of Parole.—A. The Chairman and Vice Chairman of the Board of Parole shall be designated by the Commissioner.

B. The Chairman shall preside at meetings of the Board of Parole, and provide for and supervise the administrative and ministerial activities and personnel of the Board.

C. The Chairman shall insure that all Board policies, plans, rules, and standards are coordinated with the Director of Corrections in order to provide for an effective and integrated correctional system and for continuity of treatment and training of offenders, geared to their readjustment as productive and useful members of society.

PART V

Functions.—1. Develops and recommends to the Commissioner major parole policies, including necessary legislation.

2. Advises and assists the Commissioner or his designee on parole matters, and represents him in coordinating parole policies or standards of the District of Columbia with those of Federal, State and local jurisdictions or other organizations.

3. Establishes standards governing the release of prisoners on parole or committed young offenders on conditional release, terms and conditions of such parole or release, standards of supervision (in collaboration with the Department of Corrections) for persons on parole or conditional release, and standards respecting violation and termination of parole or release.

4. Administers the parole laws applicable to the District of Columbia in regard to determining when to release prisoners on parole or to conditionally release committed youth offenders, setting the terms and conditions of parole or release, revocation or modification of parole or conditional release, subject to the approval of the District of Columbia Council, promulgation of rules and regulations permitting the discharge of parolees from supervision prior to the expiration of the maximum terms for which they were sentenced, recommending to the Courts, where applicable, a reduction in minimum sentences, and issuing warrants for the return of a parolee, conditional releasee, or good time releasee for failure to abide by the conditions of his release.

5. Conducts hearings and rehearings on all prisoners when eligible for parole and on all committed youth offenders when eligible for conditional release.

PART VI

Board decisions.—1. A quorum shall consist of any two members of the Board present and voting.

2. All decisions regarding approval, denial or revocation of parole shall be by majority vote of the Board.

PART VII

Term of office.—The term of office for the three Board members shall be for six years except for initial appointments which will be as follows: one shall be appointed for two years, one for four years and one for six years. Should a vacancy occur through the death, incapacity, resignation, or removal of a member, a successor shall be appointed to complete the unexpired term of that member. After the expiration of his term each member shall continue to serve until he is reappointed or his successor is appointed.

PART VIII

Repeal of previous orders.—All Orders and parts of Orders of the former Board of Commissioners or Orders or parts of Orders of the Commissioner in conflict with any of the provisions of this Order are, to the extent of such conflict, hereby repealed, but nothing in this Order shall in any way alter, amend or repeal any District regulation adopted or promulgated by the former Board of Commissioners or by the District of Columbia Council.

PART IX

Effective date.—This Order shall become effective on and after December 27, 1967.

ORGANIZATION ORDER NO. 7.—DEPARTMENT OF CORRECTIONS

(Organization Ord. No. 7, Commissioner's Order No. 67—94, Dec. 26, 1967.)

By virtue of the authority vested in me by Reorganization Plan No. 3 of 1967, *It is ordered that:* Organization Order No. 154, dated February 7, 1967, is hereby redesignated Organization Order No. and amended to read as follows:

PART I

Department of Corrections.—There is hereby established in the Government of the District of Columbia a Department of Corrections, headed by a Director of Corrections. The supervisory responsibility of the Commissioner for the activities of the Department shall be exercised by the Commissioner or his designee.

PART II

Purpose.—The Department of Corrections is established to: safeguard the community and its people through control and protection of persons assigned to the Department's custody; care for such persons by providing them, as required by law, with food, clothing, shelter, medical care, and other necessities; improve the attitudes, behavior and capabilities of inmates through appropriate supervision, treatment, training, work, recreation, and related activities; and provide supervision, counseling, guidance and other assistance to inmates, conditionally released committed young offenders and parolees in readjusting themselves as useful members of society.

PART III

Director of Corrections.—A. The Director of Corrections shall be responsible for carrying out the purposes set forth in Part II herein, including the planning, development, and operation of an integrated correctional system, with necessary institutions and facilities, for accomplishing these purposes. On matters related to parole policies, plans, rules and standards, the Director shall insure that all Departmental activities are coordinated with the Board of Parole. On matters of primary importance to the activities of the Department, the Director shall consult with the Commissioner or his designee.

B. The Director, with the approval of the District of Columbia Council, shall have power to promulgate rules and regulations for administering the institutions and facilities of the Department, and is authorized to establish and conduct industries, farms, work release, community and residential programs and other activities for the employment, training or welfare of the inmates, including the operation of canteens for the purpose of selling merchandise to inmates and employees of the Department at a nominal profit; such profits shall be deposited in the Inmate Welfare Fund, and shall be used in the discretion of the Director for the general welfare of the inmates.

C. The Director shall direct and control the activities of the Department. Except as otherwise provided in this Order, and subject to applicable laws, rules, regulations, Commissioner's Orders and directives issued pursuant to Commissioner's Orders he shall have full authority over the Department and all functions, personnel, facilities and resources assigned to it. This includes authority to redelegate authority and assign personnel in such manner as in his judgment is necessary to establish and maintain effectiveness and efficiency of operations.

D. The Director may establish in the Department, under the major organizational components described herein, such subordinate components with specified functions as he deems appropriate, and thereafter may change, modify or abolish such subordinate components: *Provided*, That all such proposed actions shall be submitted, at least ten working days prior to the effective date of the actions, to the Executive Office for review as to conformance with applicable Commissioner's Orders and policies, and with sound principles of organization and management. Questions which cannot be resolved between the Executive Office and the Department concerned shall be referred jointly to the Commissioner.

PART IV

Organization and functions.—The Department of Corrections shall comprise the following major organizational components in which responsible personnel shall perform the functions described.

A. Office of the Director.

1. Directs the development of, and recommends to the Commissioner, major correctional policies and pro-

grams, including necessary legislation and budgetary requirements.

2. Advises and assists the Commissioner on correctional matters, and represents him in coordinating correctional activities of the District of Columbia with those of Federal, State and local jurisdictions or other organizations.

3. Informs the public concerning Department activities.

4. Provides advisory services to other District agencies on correctional matters.

B. Associate Director for Planning and Research.

1. Under general administrative supervision of the Director, maintains liaison with Federal, State and local jurisdictions or other organizations on matters related to the Department's interests, including negotiation of agreements with such jurisdictions or organizations.

2. Performs, or coordinates the performance of, research and statistical studies conducted in, by, or for the Department, including negotiation and administration of contracts or other arrangements for research.

3. Performs, or coordinates the performance of, the planning and development of new or modified programs, organizations, systems (including automatic data processing systems), and standards.

4. Appraises existing and proposed correctional, industrial and administrative programs, organizations and systems, including objectives, policies, priorities and budgetary requirements, in order to evaluate the effectiveness and efficiency of their performance; monitors, on a sampling basis, the programs and progress of individual inmates.

5. Furnishes, upon request, technical advice and assistance to professional personnel in treatment, training, educational and related services.

6. Provides advice and assistance to the Director and other Department officials on matters related to correctional research, and the planning and development of an integrated correctional system, including necessary policies and legislation.

C. Associate Director for Administration.

1. Administers a comprehensive personnel management program, including position classification, recruiting, placement, training, employee development, employee-management relations, and related activities.

2. Administers a financial program, including coordination of preparation of budget estimates and justifications; develops and administers department-wide accounting policies, procedures, and standards; provides accounting services for the Department, including the Correctional Industries Fund; administers the Inmate Welfare Fund, inmate canteens, and inmate financial activities.

3. Provides information management and communications services, including maintenance and clerical or machine processing of records, reports and other data or statistics, and furnishes mail, messenger, telephone and radio services.

4. Administers procurement, supply, property management, and food management programs, including operation of warehousing facilities other than shop stores.

5. Administers a safety program.

6. Maintains liaison with the Executive Office on functions for which it is responsible.

7. Collaborates with the Associate Director for Planning and Research in developing or modifying programs in assigned areas of responsibility.

8. Provides technical advice and assistance to the Director and other officials on matters related to the personnel, fiscal, and other administrative management activities of the Department.

D. Associate Director for Institutional Services.

1. Administers departmental programs for the custody, care, development and assistance of inmates, including control, protection, evaluation, classification, treatment, training, education, health, recreation and related activities.

2. Supervises and coordinates the activities of the correctional institutions under the jurisdiction of the Department, including inspection of facilities and investigation of inmate complaints.

3. Collaborates with the Associate Director for Planning and Research in the development or modification of programs within his area of responsibility.

4. Provides advice and assistance to the Director and other officials on matters related to the behavior and supervision of inmates, the operation of inmate programs, and the management of institutions.

E. Associate Director for Industrial Services.

1. Administers the construction, maintenance, and operation of buildings, public works, fixed and mobile equipment, and land of the Department; administers the Department's activities in the District of Columbia Six-Year Capital Improvement Program.

2. Administers the production, marketing and distribution of goods and services in industrial-type operations of the Department, and the trades training associated with them, including manufacturing, transportation, engineering, agriculture, and service trades; administers the Correctional Industries Fund.

3. Collaborates with the Associate Director for Planning and Research in the development or modification of programs within his area of responsibility.

4. Provides technical advice and assistance to the Director and other officials on matters related to the operation and management of physical facilities, public works, equipment, real property and industrial activities of the Department.

F. Associate Director for Community Services.

1. Administers departmental parole programs and community and residential programs for inmates, including treatment, education, custody, care and related activities. The parole program includes conditional release and out-of-state supervision cases, committed youth offender released conditionally, as well as parole cases.

2. Coordinates community and residential parolee, conditionally released committed youth offender and inmate programs with Federal, State and local jurisdictions or private organizations, such as labor unions, trade associations, businesses and church and civic groups.

3. Collaborates with the Associate Director for Planning and Research in the development or modification of programs within his area of responsibility.

4. Provides advice and assistance to the Director and other officials on matters related to the behavior, and supervision of parolees, conditionally released youth offenders, and inmates assigned to community or residential programs, the operation of community and residential programs, and the management of facilities and centers assigned to such programs.

PART V

Repeal of previous orders.—All Orders and parts of Orders of the former Board of Commissioners or Orders or parts of Orders of the Commissioner in conflict with any of the provisions of this Order are, to the extent of such conflict, hereby repealed, but nothing in this Order shall in any way alter, amend or repeal any District regulation adopted or promulgated by the former Board of Commissioners or by the District of Columbia Council.

PART VI

Effective date.—This Order shall become effective on and after December 27, 1967.

ORGANIZATION ORDER NO. 107.—HACKERS' BOARD

1. That, effective as prescribed by paragraph 2 of this order, Organization Order No. 107, dated May 17, 1955, as amended Dec. 18, 1958, Apr. 5, 1960, Sept. 20, 1960, Sept. 18, 1962, Oct. 30, 1962, Nov. 6, 1962, Mar. 17, 1966, and July 11, 1967 (ords. nos. 66-322, 66-323), ordered:

* * * * *

PART II

A. Membership.—The Hackers' Board shall consist of five (5) members, namely:

(1) An employee in the Permit Control Division, Department of Motor Vehicles, as designated from time to time by the Director, Department of Motor Vehicles, who shall be chairman;

(2) A member or an advisor of the Citizens' Traffic Board (hereinafter, Traffic Board), assigned and compensated as hereinafter provided;

* * * * *

ORGANIZATION ORDER NO. 108.—CITIZENS' TRAFFIC BOARD

(Organization Ord. No. 108, 55-888, May 17, 1955, as amended Feb. 18, 1959, Sept. 12, 1961, Dec. 12, 1961, Mar. 27, 1962, and July 11, 1967.)

PART III

Composition and membership:

1. The Citizens' Traffic Board shall consist of not to exceed 25 members appointed by the Board of Commissioners and subject to removal at the discretion of the Board of Commissioners, except that during the period April 1, 1962, to April 1, 1963, the Citizens' Traffic Board shall consist of not to exceed 27 members: *Provided*, That if, during such period one or more members of such Board is or are separated therefrom by death, resignation or otherwise, such member or members may be replaced so that the membership of the Board shall not, during such period, exceed 26 if one member is so separated and shall not exceed 25 if two or more members are so separated. Members shall hold office for terms of three years, except that of the initial appointments one-third shall serve for one year, one-third for two years, and one-third for three years. Should a vacancy occur through the death, incapacity or resignation of a member, a successor may be appointed to complete the unexpired term and in the same manner as regular appointments. No person shall serve more than two consecutive terms but may be reappointed after a lapse of one year. Appointments scheduled to terminate or begin on Feb. 18, 1962, shall instead terminate or begin on Apr. 1, 1962. April 1 shall subsequently be the regular date of rotation of appointments each year.

In addition to the 25 appointed members, the Chairman of the Traffic Safety Committee of the Federation of Citizens' Associations and the Chairman of the Traffic Safety Committee of the Federation of Civic Associations shall serve as ex officio members of the Citizens' Traffic Board.

ORGANIZATION ORDER NO. 109.—Revised

ESTABLISHING THE POSITION OF DIRECTOR OF COMMUNITY RENEWAL, AN OFFICE OF COMMUNITY RENEWAL PROGRAMMING AND AN OFFICE OF RENEWAL OPERATIONS

Organization Order No. 109, 67-302, Mar. 14, 1967, ordered that: Organization Order No. 109, dated May 31, 1955, as amended, is hereby rescinded and replaced in its entirety as follows:

PART I

Policy.—The Government of the District of Columbia, working in close liaison and cooperation with the National Capital Planning Commission, the National Capital Housing Authority, the Redevelopment Land Agency, the National Capital Transportation Agency, the President's Council on Pennsylvania Avenue, and other interested agencies, in accordance with the District of Columbia Redevelopment Act of 1945, as amended, and the Housing Act of 1954, dedicates itself, and such of its resources and facilities as are available for such purpose, to the prevention and the elimination of slums, blight and other unhealthful or unsafe living and environmental conditions in the District of Columbia.

PART II

Director of Community Renewal.—There is hereby established the position of Director of Community Renewal.

A. Purpose.—To provide the Board of Commissioners with a single official responsible to them for carrying out the District of Columbia Government's functions in the planning and conduct of the programs for urban development and for the elimination and prevention of slums and blight, and for carrying out the Six-Year Public Works program.

B. Functions.—The Director of Community Renewal, working in close coordination with the National Capital Planning Commission, the National Capital Housing Authority, the Redevelopment Land Agency, the National Capital Transportation Agency, the President's Council

on Pennsylvania Avenue, and other public and non-profit agencies and groups, shall take the initiative for the Board of Commissioners in:

1. Preparation of plans and schedules for the execution of the overall programs for urban development and for the elimination and prevention of slums and blight, and submittal of such plans and schedules together with necessary supporting data to the Board of Commissioners for their review and approval.

2. Integration of all operations of all departments and agencies of the District of Columbia Government, including those pertaining to the public works program and the maintenance of working liaison with public agencies, as they relate to the urban renewal and slum prevention program.

3. Presentation and interpretation of views and objectives of the Board of Commissioners to other public agencies having roles in the program, and to civic, neighborhood, and business organizations, and the maintenance of continuous, harmonious relationships with such organizations in policy and operational aspects of the program, with the objective of securing coordinated community action as required.

4. Continuing review and evaluation of: (1) the urban renewal and slum prevention program and its planning, (2) the procedures and techniques employed in its execution, (3) the sufficiency of codes and regulations, and (4) the adequacy of organizational relationships; and the development and presentation to the Board of Commissioners of recommendations for such action as may be required to correct deficiencies in the program, speed up its operations, or otherwise to improve its effectiveness.

5. Preparation and implementation of a Community Renewal Program which will encompass the long-range needs in the District of Columbia for urban renewal and slum prevention.

PART III

Office of Community Renewal Programming.—There is established under the direction and control of the Director of Community Renewal, an Office of Community Renewal Programming.

A. Purpose and functions.—The Office of Community Renewal Programming is established for the purpose of advising and assisting, and shall perform functions necessary to advise and assist the Director of Community Renewal in:

1. Completion, revision and updating of the Community Renewal Program.

2. Preparation of the Six-Year Capital Improvements Program, in collaboration with the Department of General Administration.

3. Preparation of a Six-Year Housing Program as a segment of the Community Renewal Program.

4. Preparation of a detailed program for the Urban Progress Centers.

5. Communication with civic, neighborhood and business organizations to obtain reaction and assistance in the preparation of plans and programs for the community.

6. Coordination with the Comprehensive Plan.

7. Review of all renewal, public housing and other social and economic projects and programs for conformance to the Community Renewal Program.

8. Preparation of special detailed studies relating to the Community Renewal Program and its implementation.

9. Provision of Staff assistance to the Commissioners' Planning and Urban Renewal Advisory Council.

10. Maintenance of liaison with the Assistant Engineer Commissioner for Planning and the Assistant Engineer Commissioner for Operations.

The senior member of the Office of Community Renewal Programming shall assist the Director of Community Renewal, as assigned, in carrying out the latter's overall administrative responsibilities and shall serve as Executive Secretary to the Commissioners' Planning and Urban Renewal Advisory Council.

PART IV

Office of Renewal Operations.—There is established under the direction and control of the Director of Community Renewal an Office of Renewal Operations.

A. Purpose and functions.—The Office of Renewal Operations is established for the purpose of advising and

assisting, and shall perform functions necessary to advise and assist the Director of Community Renewal in:

1. Preparation of the Annual Workable Program.
2. Coordination of relocation activities on an inter-agency basis.
3. Coordination of interdepartmental activities for renewal, public housing and development operation.
4. Expedition and coordination of all renewal operations consistent with established time schedules for each project or program.
5. Evaluation of improvements to the procedures for the coordination of renewal operations.
6. Cooperation with civic, neighborhood and business organizations to elicit participation and assistance in the execution of renewal projects and programs in the community.
7. Promotion of non-profit housing and provision of assistance to prospective sponsors or developers of non-profit housing projects.
8. Provision of staff assistance to the Urban Renewal Operations Committee.
9. Maintenance of liaison with the Assistant Engineer Commissioner for Operations and with the Assistant Engineer Commissioner for Planning.

The senior member of the Office of Renewal Operations shall assist the Director of Community Renewal, as assigned, in carrying out the latter's overall administrative responsibilities and shall serve as Executive Secretary to the Urban Renewal Operations Committee.

PART V

Personnel and funds.—Personnel and funds shall be provided for the Office of Community Renewal Programming and the Office of Renewal Operations within the limits of available appropriations which may properly be used for such purpose.

PART VI

Effective date.—This Order shall be effective on and after April 14, 1967.

ORGANIZATION ORDER NO. 121.—DEPARTMENT OF GENERAL ADMINISTRATION, FINANCE OFFICE

Part V of Organization Ord. No. 3, dated Dec. 13, 1967, Commissioner's Order No. 67-24, revoked this Order and abolished the department, offices and officers established thereunder.

ORGANIZATION ORDER NO. 124.—PUBLIC INFORMATION UNIT (Described in Org. Ord. No. 2 as Public Affairs Office)

Part V of Organization Ord. No. 2, dated Dec. 13, 1967, Commissioner's Order No. 67-23, revoked this Order, and abolished the department, offices and officers established thereunder.

ORGANIZATION ORDER NO. 127.—COMMITTEE ON EMPLOYEE CONDUCT

(Organization Ord. No. 127, 61-1430, Aug. 17, 1961, amended Nov. 3, 1967, by Org. Ord. No. 5.)

There is hereby designated a Committee on Employee Conduct composed of such persons as the Commissioner may designate.

ORGANIZATION ORDER NO. 140.—DEPARTMENT OF PUBLIC WELFARE

(Organization Ord. No. 140, 64-191, Feb. 11, 1964, Oct. 8, 1965, June 7, 1966, and Dec. 11, 1967 [eff. Jan. 14, 1968].)

Reorganization Order No. 58, dated June 30, 1953, as amended [for history see Reorg. Ord. No. 58 in main edition] is hereby redesignated Organization Order No. 140, and amended to read as follows:

PART III

F. The Department of Public Welfare is designated as the District Government agency responsible for determining individual eligibility to receive medical care under the Medical Assistance Program. This authority shall be exercised in accordance with standards established by the Department of Public Health which has been designated the single State agency in the District of Columbia to administer Title XIX of the Social Security Act.

PART IV

C. *Deputy Director for Family and Children Services.*—Plans, develops, and proposes policies and regulations for governing the family and children services provided by the Department. Implements and administers approved policies and regulations governing the family and children services provided to insure effectiveness of the direct assistance and services to individuals, families and children in the community. Initiates and administers policies and regulations to implement all public assistance and welfare laws (including, without limitation, the Social Security Act, the District of Columbia Public Assistance Act of 1962, and the Juvenile Court Act), and the care, custody, placement, and adoption of children. Directs administration of the system for determining eligibility for medical assistance under the District's Medicaid program. Directs the operation of all family and children services and exercises supervisory responsibility over the divisions concerned to insure proper implementation of policies and the maintenance of accurate standards of performance. Participates in overall departmental planning, budget justifications and implementation of the programs. Coordinates with the Director and the other deputies in regard to related activities. Maintains liaison with other appropriate District, State, Federal, and community agencies.

ORGANIZATION ORDER NO. 141.—DEPARTMENT OF PUBLIC HEALTH

(Organization Ord. No. 141, 64-193, Feb. 11, 1964, as amended Jan. 8, 1965, June 3, 1965, March 22, 1966, June 7, 1966, June 30, 1966, Feb. 7, 1967, June 29, 1967, Aug. 22, 1967, and Aug. 24, 1967.)

Reorganization Order No. 52 (Commissioners' Order L.S. 4259-B), dated June 30, 1953, as amended, and Reorganization Order No. 57 (Commissioners' Order L.S. 4262-B), dated June 30, 1953, as amended Aug. 11, 1964, and Aug. 20, 1964, are hereby combined, amended, and redesignated Organization Order No. 141 to read as follows:

PART III

Director of Public Health, Department of Public Health.—

A. (Add the following at the end of par. A):

The Director shall administer or supervise the administration of such comprehensive health planning functions and such public health services as may be approved pursuant to sec. 314(a) (2) and sec. 314(d) (2) of the Public Health Service Act (as added by sec. 3 of the Comprehensive Health Planning and Public Health Services Amendments of 1966, P.L. 89-749).

D. The Director shall develop, administer and supervise a plan of Emergency Medical Care Services (other than Disaster) for the District of Columbia with the cooperation of the pertinent District of Columbia Government agencies and the participation of interested public and private organizations and individuals within the District of Columbia.

PART IV

A. *Associate Director for Administration.*—Plans, directs, and coordinates the administrative and business management of the Department. Under the Director, exercises full authority over the performance of the following staff and auxiliary functions: budget and finance; management analysis; manpower utilization; data processing; administration and custody of vital records of births, stillbirths, and deaths in the District of Columbia; administrative services, including building management and office services; and procurement and supply management on a centralized basis. Participates in, and assumes leadership responsibility for, developing departmental policies, and maintains and correlates the codified health regulations; examines the need for legislation and regulations, drafts recommended changes, and provides advice and assistance in related matters. Participates in, and assumes leadership for, financial policies and goals and for determining the Department's effectiveness in

applying these policies and achieving these financial goals. Coordinates efforts with the Director and the Associate Directors and maintains liaison with appropriate District and Federal Government agencies and private health organizations; and supervises and directs the activities of the following organizational entities:

* * * *

3. *Vital Records Division.*—Receives, maintains, secures, and edits vital records of births, stillbirths, and deaths in the District of Columbia; provides official copies of vital records to authorized persons. Evaluates existing statutes and regulations governing vital events and vital records and recommends changes in or additions to such statutes and regulations. Provides consultation to the Department, Funeral Directors and Undertakers Associations, the Coroner's Office, the medical associations, and lawyers with regard to the recording of vital events and vital records.

* * * *

G. *Associate Director for Planning and Research.*—Responsible for the development of the Comprehensive Health Plan for the District of Columbia, for strengthening the cooperative relationship, and for the overall coordination of health planning of public, private, and voluntary organizations in the District of Columbia. Cooperates, assists in, and, where indicated, initiates health planning for the Washington Metropolitan Area. Directs the development of current and long range planning policy and actions for meeting the health needs of the District through public, private, and voluntary effort. Initiates studies, including research projects, to determine the scope, nature, and factors contributing to health resources available, recommends solutions, and when appropriate involves the Department of Public Welfare, the Department of Vocational Rehabilitation, the Board of Education, and other District departments. Keeps the Department abreast in the field of health planning by adopting and by informing key Department officials of new concepts employed by the Federal Government and by counterparts in other States. Directs the development and application of methods for evaluating the Department's health programs and in measuring progress toward attainment of established health program goals. Through consultation with public, private, Federal, professional, and citizen's organizations, and through contact with a representative sample of health services consumers, involves the community in planning for efficient utilization of health funds and manpower for the District of Columbia.

Programs Review and Development Division.—Provides staff support to all Directorates of the Department in developing programs and establishing priorities for solving identified health problems, in developing current and long range policy and action recommendations for meeting health needs of the District; assists in the review and support of the Department's budget and grants requests. Using quantitative and epidemiologic techniques and other modern sophisticated methods of program appraisal, periodically reviews and evaluates major health programs of the Department, determines weaknesses, and recommends alternatives for program efforts or suggests other solutions to obtain efficient utilization of existing health resources. Provides staff support necessary for the Department to carry out its role as the designated District agency for comprehensive health planning. Develops departmental position papers as requested on laws, regulations, and special studies, which have an impact on health planning for the District of Columbia or the Washington Metropolitan Area.

Biostatistics Division.—Develops a relevant statistical base for decision-making for the Department, including statistical support in the development, implementation, and surveillance of all health and medical care programs of the Department. Develops statistical methods and indices necessary to meet the increasing emphasis being placed on program evaluation, including the design of methods to measure the health status of the District's population. Provides statistical tables and reports for distribution in the Department and elsewhere. For the Washington Metropolitan Area, assists in the development of: a statistical base for decision-making; statistical methods to measure health needs; and other statistical support re-

quired of the Department for aggressive participation in area-wide health planning.

Research Division.—Coordinates a continuing program of research to develop efficient means of providing health and medical care services for the District of Columbia. Provides consultation on and technical review of all proposed research and special projects of the Department and of other projects submitted to the Department in its role as the District Health Planning Agency. Initiates and participates in health service consumer-based studies, demonstration projects, and experiments in the Department to discover improved methods of providing health services within the scope of a comprehensive public health program. Cooperates, provides assistance, and, where possible, leads the way in eliminating duplication and overlap in projects or grants acquired in the Washington Metropolitan Area. Provides a clearinghouse service and maintains a register of all health-related research and special studies being conducted within the District of Columbia.

PART V

* * * *

E. The Department shall be the sole agency responsible for administering or supervising the administration of the District's health planning functions under the plan required by sec. 314(a) (2) of the Public Health Service Act (as added by sec. 3 of the Comprehensive Health Planning and Public Health Services Amendments of 1966; P.L. 89-749).

F. The Department shall be the sole agency for the Commissioners responsible for the implementation of the plan for enhancing the quality of the interstate waters within the District and the enforcement of the water quality criteria adopted by the Commissioners pursuant to the Federal Water Pollution Control Act (70 Stat. 498; 33 U.S.C. 466), as amended by the Water Quality Act of 1965 (P.L. 89-234; 79 Stat. 903; and the Director shall make recommendations with respect to (1) regulations and legislation and (2) revisions of water quality criteria as may be needed to prevent, control, and abate water pollution within the District.

G. The Department, in cooperation with the Metropolitan Police Department, the Fire Department, the Department of Motor Vehicles, and the Department of Highways and Traffic, shall be the District agency responsible for the development, administration, supervision and periodic evaluation of the provisions of the D.C. Highway Safety Act of 1966 (23 U.S.C. 401 et seq., P.L. 89-564) insofar as it pertains to the training of drivers and the general public in medical self-help and first-aid education, medical criteria and medical evaluation processes for licensing drivers, procedures for chemical determination of blood-alcohol concentrations in persons driving under the influence of alcohol and in pedestrians involved in traffic accidents, and emergency medical services for prompt and proper medical care of the injured in traffic accidents.

* * * *

ORGANIZATION ORDER NO. 147.—DEPARTMENT OF SANITARY ENGINEERING

(Organization Ord. No. 147, 65-1154, Aug. 19, 1965.)

Reorganization Order No. 28, dated Apr. 3, 1953, as amended [for history see Reorg. Ord. No. 28, in main edition] is hereby redesignated Organization Order No. 147, and amended Feb. 10, 1966, and Jan. 10, 1967, to read as follows:

* * * *

PART III

* * * *

Director of Sanitary Engineering.—

* * * *

D. The Department shall be the sole agency for carrying out the purposes of Sec. 206 of the Solid Waste Disposal Act (P.L. 89-272, Oct. 29, 1965) and shall take such action as necessary to provide for cooperation with the Department of Public Health and other District agencies so as to insure the full participation of the District in accomplishing the purposes of the act.

E. The Department of Sanitary Engineering is hereby designated as the "State Agency" for the District of Columbia for carrying out the purposes of Section 303, Title

III, of the Water Resources Planning Act (July 22, 1965, Public Law 89-80).

* * * * *

ORGANIZATION ORDER NO. 154.—DEPARTMENT OF CORRECTIONS

Org. Ord. No. 7, dated Dec. 26, 1967, Commissioner's Order No. 67-94, redesignated this Order as Order No. 7 and amended it to read as set out in Org. Ord. No. 7, printed elsewhere in this appendix.

ORGANIZATION ORDER NO. 155.—CORRECTIONAL ADVISORY COUNCIL

Organization Order No. 155, 67-174, February 7, 1967, ordered that:

There is hereby created in the District of Columbia a committee of citizens, representing the community at large, to be known as the Correctional Advisory Council.

PART I

Purpose.—The Correctional Advisory Council is established to provide for advisory participation by citizens, lay and professional, in the District Government's correctional program and to act in an advisory capacity to the Director of Corrections, and the designated Commissioner to whom he reports, on matters affecting the public.

PART II

Functions.—It is the intent of the Board of Commissioners that the Correctional Advisory Council shall, in general, advise the Director of Corrections and the designated Commissioner, and inform the Citizens Council in the following respects:

1. Study and make appropriate recommendations with respect to proposals for new policies, regulations, rules and statutes or changes in existing policies, regulations, rules or statutes, affecting the correctional system.

2. Advise on the needs and desires of the correctional system and the formulation and execution of programs necessary to satisfy those needs and desires.

3. Advise and assist in coordinating the programs and activities of the Department of Corrections with those of community groups, associations, and professional organizations.

4. Interpret the activities of the Department of Corrections to the public and stimulate public interest, understanding and participation of the community in solving correctional problems.

5. Study the need for correctional institutions and community facilities and make recommendations with respect thereto based upon a continuing evaluation of such institutions and facilities.

6. Evaluate proposals for the operation, construction and utilization of correctional institutions and community facilities and make recommendations to include but not be limited to location, type, and size of the institutions and facilities.

7. Study and evaluate the budget, programs, operations and activities of the Department and make appropriate recommendations with respect to changes which may appear desirable.

PART III

Composition and membership.—The Council shall consist of not less than seven (7) members appointed by the Board of Commissioners on the basis of personal qualifications. Persons appointed to membership on the Council shall be selected insofar as possible in such a way as to provide in the aggregate a maximum degree of perspective upon, and insight into, the correctional needs and goals of the District of Columbia.

Members shall hold no full or part-time office for which compensation is paid from District funds or from Federal grants to the District of Columbia.

The Council shall consist of individuals of outstanding ability and knowledge in the fields of law, engineering, business, behavioral science, labor or civic affairs. A member may be a rehabilitated offender if he meets the other criteria established herein.

PART IV

Term of office.—The term of office of members shall be fixed at three years except for initial appointments as follows: of the members first appointed as members of said Council, three shall be appointed for one year, two for two years, and two for three years. Should a vacancy occur through the death, incapacity, resignation, or removal of a member, a successor shall be appointed to complete the unexpired term of that member. After the expiration of his term each member shall continue to serve until his successor is appointed and qualified. No person who has served six years or more consecutively as a member shall be reappointed as a member until after the expiration of one year from the end of such service.

PART V

Oath of office.—Members shall take an oath of office as follows:

"I, -----, having been duly appointed by the Board of Commissioners as a member of the Correctional Advisory Council, do solemnly swear that I will support and defend the Constitution of the United States; that I will perform such duties as may be assigned to me as a member of said Council to the best of my ability without fear or favor; that I will exercise my best judgment and will consider each matter before me from the viewpoint of the best interest of the District of Columbia as a whole; and that I will well and faithfully discharge said duties so help me God."

PART VI

Compensation.—Members shall serve without compensation, but appropriate expenses will be reimbursed as indicated below.

PART VII

Organization.—The Correctional Advisory Council shall determine its own organization establishing appropriate committees and subcommittees, and shall perfect its own rules of procedure. The Council shall elect its own officers annually from among its own members. It shall convene at least nine times each year at regularly scheduled meetings. It shall hold additional meetings at the call of the Director of Corrections or a majority of the Council membership. The Director of Corrections shall be notified of all such meetings sufficiently in advance and shall have the option of attending or sending his designated agent as an observer.

PART VIII

Administration.—The Director of Corrections shall assist the Council in matters of administration of the Council and shall provide it with necessary staff services as needed. Expenses incurred by the Council as a whole or by individual members, when authorized by the Board of Commissioners, will become an obligation against funds so designated.

PART IX

Reports.—Reports and recommendations of the Council shall be furnished to the Director of Corrections or to the Citizens Council, or both, and may be released at such time and under such circumstances as the Director of Corrections or the Correctional Advisory Council may determine.

PART X

Effective date.—The provisions of this Order shall become effective on and after February 7, 1967.

TITLE 2.—DISTRICT BOARDS AND COMMISSIONS

Chapter 1.—HEALING ARTS PRACTICE

SUBCHAPTER I.—LICENSURE AND OTHER REGULATORY PROVISIONS

Sec.

2-133. Exemptions from operation of license laws—Officers of Federal Government—Consultants—Treatment of specified patients—Doctors employed by District.

SUBCHAPTER I.—LICENSURE AND OTHER REGULATORY PROVISIONS

§ 2-103. Commission on licensure—Creation—Seal.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(34) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to making and altering rules and altering and adopting a common seal, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-103a. Standards of education and training—Register of approved schools and hospitals—License on years of practice—Graduate of foreign medical schools.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(35) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) relating to establishing minimum standards to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-133. Exemptions from operation of license laws—Officers of Federal Government—Consultants—Treatment of specified patients—Doctors employed by District.

The provisions of this subchapter forbidding the practice of the healing art without a license shall not apply (a) to commissioned surgeons of the United States Army, Navy, or Public Health Service, or to medical officers in any other branch of the federal government whatsoever, in the discharge of their official duties; nor (b) to practitioners of the healing art duly licensed to practice their respective callings in states or territories, or in jurisdictions under the control of the federal government, or in foreign countries, and actually called from such states, territories, jurisdictions, or countries, in consultation, to visit specified patients in the District of Columbia or to give demonstrations or clinics under the auspices and for the members of an incorporated organization made up of licensed practitioners of the healing art in the District of Columbia; nor (c) to practitioners licensed to practice their respective callings in states and territories, and in other juris-

dictions forming a part of the United States, or in foreign countries, and called from such states, territories, jurisdictions, or countries to visit, on their own behalf and not in consultation, specified patients in the District of Columbia; nor (d) to any practitioner in the discharge of his official duties as an employee of the government of the District of Columbia if such practitioner—

(1) is not less than twenty-one years of age and is of good moral character,

(2) has studied the healing art through not less than four graded courses and not less than nine months each in a professional school or schools approved by the Commissioners,

(3) has had not less than one year of training in a hospital approved by the Commissioners, and

(4) is duly licensed to practice his calling in a State or other jurisdiction forming a part of the United States. All practitioners claiming exemption under the provisions of this section, except those called into the District of Columbia on consultations only, shall file with the Commission, in such manner as the commission may prescribe, evidence of their right to such exemption. Upon proof of that right, to the satisfaction of the commission, the commission shall enter the name of the applicant in a register kept for that purpose and shall issue to the applicant a certificate in evidence of such registration. (Feb. 27, 1929, 45 Stat. 1339, ch. 352, § 42; Oct. 24, 1967, Pub. L. 90-115, § 1, 81 Stat. 336.)

AMENDMENTS

1967—Section 1, Pub. L. 90-115, amended section by striking out “: Provided, That all” and inserting in lieu thereof the matter beginning with “; nor (d)” and ending with the word “All”.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS TO SINGLE COMMISSIONER

Section 3 of Pub. L. 90-115, provided:

“Effective on the effective date of this Act [Oct. 24, 1967, amendments of sections 2-133, 2-308, 2-309 and the addition of section 2-309a] or on the effective date of part IV of Reorganization Plan Numbered 3 of 1967, whichever is later, the functions vested in the Commissioners by this Act [Oct. 24, 1967, amendments of sections 2-133, 2-308, 2-309 and the addition of section 2-309a] shall be deemed to be vested in the Commissioner appointed pursuant to part III of such plan.”

Chapter 2.—ANATOMICAL BOARD

§ 2-253. Tissue bank licenses and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(36) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 3.—DENTISTS

Sec.

2-309a. Special licenses—Applicability of other sections.

§ 2-302. Officers—Bond—Rules and regulations for admission to and practice of dentistry—Dental internes for hospitals—Sessions of board.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(37) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to making and adopting of rules and regulations to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-308. Application for license—Examination—Admission without examination—Reciprocity with States or Territories—Waiver of examination.

AMENDMENTS

1967—Section 2(1) of Act Oct. 24, 1967, Pub. L. 90-115, amended section 8 of the Act entitled "An Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto", approved June 6, 1892, by inserting (a) immediately after "Sec. 8." Sec. 8 of the Act of June 8, 1892, is this section as amended by subsequent acts and the text of said section minus the designation of subsection (a) is set out in the 1967 edition of this code.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS TO SINGLE COMMISSIONER

Section 3 of Pub. L. 90-115 provided:

"Effective on the effective date of this Act [Oct. 24, 1967, amendments of sections 2-133, 2-308, 2-309 and the addition of section 2-309a] or on the effective date of part IV of Reorganization Plan Numbered 3 of 1967, whichever is later, the functions vested in the Commissioners by this Act [Oct. 24, 1967, amendments of sections 2-133, 2-308, 2-309 and the addition of section 2-309a] shall be deemed to be vested in the Commissioner appointed pursuant to part III of such plan."

§ 2-309. License—Form and execution—Registration—Duplicate licenses.

AMENDMENTS

1967—Section 2(2) of Act Oct. 24, 1967, Pub. L. 90-115, amended section 9 of the Act entitled "An Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto", approved June 6, 1892, by striking out in section 9, "Sec. 9." and inserting in front of the text thereof "b", thus making the text thereof subsection (b) of section 8. The text of what was formerly designated as section 9 is set out in the 1967 edition of the code, minus the designation of subsection (b).

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS TO SINGLE COMMISSIONER

Section 3, Pub. L. 90-115 provided:

"Effective on the effective date of this Act [Oct. 24, 1967, amendments of sections 2-133, 2-308, 2-309 and the addition of section 2-309a] or on the effective date of part IV of Reorganization Plan Numbered 3 of 1967, whichever is later, the functions vested in the Commissioners by this Act [Oct. 24, 1967, amendments of sections 2-133, 2-308, 2-309 and the addition of section 2-309a] shall be deemed to be vested in the Commissioner appointed pursuant to part III of such plan."

§ 2-309a. Special licenses—Applicability of other sections.

(a) (1) The Commissioners may issue to qualified applicants a special license to practice dentistry in the District of Columbia under such limitations as the Commissioners shall set forth in the license.

(2) For purposes of paragraph (1) of this subsection, the term "qualified applicant" means a person—

(A) who holds a license to practice dentistry in a State or other jurisdiction forming a part of the United States which license has been lawfully issued;

(B) who has not had any license to practice dentistry revoked or suspended in any jurisdiction;

(C) who is a graduate of a reputable dental college, approved by the Commissioners; and

(D) who has successfully completed any practical or theoretical examination which the Commissioners may require.

(b) The provisions of the following sections of this chapter shall apply with respect to a license issued under this section: section 2-311 (relating to revocation or suspension of license), section 2-312 (relating to procedure in suspending or revoking license), section 2-313 (relating to fees), and section 2-314 (annual registration of dentists)." (June 6, 1892, 27 Stat. 43, ch. 89 § 9, as added Oct. 24, 1967, Pub. L. 90-115, § 2(3), 81 Stat. 336.)

AMENDMENT

1967—Section 2(3) of Pub. L. 90-115, added this section.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS TO SINGLE COMMISSIONER

Section 3, Pub. L. 90-115 provided:

"Effective on the effective date of this Act [Oct. 24, 1967, amendments of sections 2-133, 2-308, 2-309 and the addition of section 2-309a] or on the effective date of part IV of Reorganization Plan Numbered 3 of 1967, whichever is later, the functions vested in the Commissioners by this Act [Oct. 24, 1967, amendments of sections 2-133, 2-308, 2-309 and the addition of section 2-309a] shall be deemed to be vested in the Commissioner appointed pursuant to part III of such plan."

§§ 2-311 to 2-314.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 2-309a.

Chapter 4.—NURSES AND PHYSICAL THERAPISTS

§ 2-403. Examining board—Organization—Officers—Duties—By-laws—Registration of nurses—Examinations—Notice—Inspection of schools.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(38) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as adopting and amending by-laws relating to the registration of graduate nurses, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-406. Annual registration—Nurses—Training schools—Cancellation by failure to reregister—Restoration.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(38) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as adopting and amending by-laws relating to the registration of graduate nurses, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-408. Expenses to be paid from registration fees—Salaries and allowances—Audit—Annual report.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(39) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to the fixing of fees referred to in clause (c), to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-427. Rules and regulations—Curricula and standards for nursing schools—Examination and licensing—Renewal of licenses—Commissioners may make studies and investigations, subpoena witnesses—Application to compel attendance.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(40, 41 and 42) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a) and (b) relating to adopting rules and regulations and prescribing minimum curricula and standards under sub-sec. (a); and obtaining information under oath or affirmation and compelling the attendance and testimony of witnesses under sub-sec. (b), to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-455. Establishment of board.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(43) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to determining the qualifications, prescribing the terms of office, and fixing the compensation of the Board, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-456. Powers and duties—Register of physical therapists and approved schools—Studies and investigations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(44, 45 and 46) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a) and (b) relating to adopting of rules and regulations under subsec. (a); and obtaining information under oath or affirmation and compelling the attendance and testimony of witnesses under subsec. (b), to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-458. Registration without examination.

NOTES TO DECISIONS

Registration without examination

The protection of "grandfather clause" is not limited to exceptionally able people, but this does not mean that applicants shall not be required to possess the basic qualifications, competence, and skills comparable to those who have graduated from approved schools. *R. D. Culler v. Physical Therapists Examining Board, etc.* (D.C. App. 1967, 228 A. 2d 495).

The record established that physical therapy work previously done in district by petitioner seeking registration as physical therapist without examination had been only

incidental to petitioner's employment in Maryland and did not amount to substantial physical therapy practice in the district. *Id.*

On the basis of record showing inter alia that applicant for registration as physical therapist without examination was deficient in knowledge of basic services requisite for proper understanding of physical therapy techniques during service in armed forces, displayed a lack of basic knowledge of anatomy and physiology which affected his ability to recognize contraindications for physical therapy treatments and that at Maryland nursing home applicant's duties consisted primarily in walking patients and sometimes performing nursing functions, he was not entitled to be licensed without examination. *Id.*

Applicant who had been engaged in various forms of physical therapy for 24 years and who had extensive training and experience in physical therapy was entitled to registration as a physical therapist without examination under grandfather clause of District of Columbia physical therapy statute providing for registration of those receiving comparable training or experience of an approved school graduate. *J. F. Hansen, Sr. v. Physical Therapists Examining Board, etc.* (D.C. App. 1967, 228 A. 2d 497).

Testimony disclosing that applicant for registration without examination as physical therapist under grandfather clause of statute had not graduated from approved school of physical therapy and had been employed exclusively in "health clubs", that 90 percent of his work was "purely massage" and that only a few treatments were performed on patients under doctors' orders did not require District of Columbia physical therapy board to grant registration, and denial of application was not arbitrary. *A. F. Olsen v. District of Columbia Physical Therapists Examining Board* (D.C. App. 1967, 227 A. 2d 392).

Applicant for registration without examination as physical therapist under grandfather clause of statute having been granted full hearing before physical therapist examining board and was given opportunity to present any evidence he desired, there was no unfairness in proceedings. *Id.*

§ 2-461. Renewal of registration—Nonpracticing therapists.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(47) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) relating to the changing of the periods for which registrations as physical therapists or renewals thereof may be issued, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 5.—OPTOMETRISTS

§ 2-501. "Optometry" defined.

NOTES TO DECISIONS

Construction

Purpose of statute regulating the practice of optometry was to provide protection for the public and legislature intended examination of eye and adaptation of lenses to be separate acts of optometry. *N. Fields v. District of Columbia* (D.C. App. 1967, 232 A. 2d 300).

§ 2-502. Practice of optometry without license prohibited—Misrepresentation—False impersonation—Penalties.

NOTES TO DECISIONS

Practice of optometry

Evidence showed that acts performed by optician in fitting patient's lenses involved areas of judgment and skill necessary to the adaptation of lenses within the meaning of optometry statute. *N. Fields v. District of Columbia* (D.C. App. 1967, 232 A. 2d 300).

Optician's contention that he would refer patient back to physician who had originally written prescription for glasses did not excuse his practice of optometry at the time of fitting. *Id.*

§ 2-512. Changes in educational standards authorized.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(48) of Reorg. Plan No. 3 of 1967, effective August 11, 1967, except as provided in section 504(b) of the Plan, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 6.—PHARMACY

§ 2-608. Board of Pharmacy to have same powers as Commission on Licensure to Practice the Healing Art—Accounting—Records—Reports.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(49) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to "making and altering rules for the conduct of business of agency administering, and for the execution and enforcement of, the Act of May 7, 1906", to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 7.—PODIATRY

§ 2-702. Officers—Bond—Rules and regulations for admission to practice—Seal—Record of proceedings—Register of credentials and of licenses issued or revoked—Certified copy as evidence—Quorum—Annual report of finances and official acts.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(50) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to adopting rules and regulations and adopting a seal, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 8.—VETERINARIANS

§ 2-802. Election of officers—Rules and regulations—Register of applicants—Bond—Reports.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(51) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to making, altering and amending rules and regulations and bonding provisions, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-803. Applications for license—Qualifications—Fees—Expenses—Examinations—Applications preserved.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(52) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section insofar as they relate to determining, authorizing, and directing the subjects to be included in examinations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-804. Reciprocal relations with similar boards.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(53) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 9.—ACCOUNTANTS

§ 2-913. Board of Accounting—Corporation, qualifications, tenure, compensation, and removal.

TRANSFER OF FUNCTIONS

Reorganization Order No. 59, part XIV thereof, established a Board of Accounting and delegated certain functions in the manner and particulars therein described. For details of part XIV, see the order set out in the appendix to title 1.

§ 2-914. Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(423) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to adopting rules and regulations to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 10.—ARCHITECTS

§ 2-1001. Board of Examiners—Creation.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(54) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to the making of rules, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-1023. Fees.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(55) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-1029. Attendance of witnesses and production of documents.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(56) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this sec-

tion to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 11.—BARBERS

§ 2-1103. Board of Barber Examiners—Qualifications—Tenure—Removal—Register—Power to make rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(57) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to adopting rules and sanitary regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-1114a. Authority to prescribe regulations for posting prices of services—Authority to impose fine—Limitation of fine.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(58) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 12.—BOXING COMMISSION

§ 2-1212. Powers and duties—Supervision and regulation of professional boxing—Cooperation in promotion of amateur and collegiate boxing—Donation of equipment—Definitions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(59) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making and amending rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 13.—COSMETOLOGISTS

§ 2-1303. Regulations by the board.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(60) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 14.—PLUMBERS

§ 2-1405. License—Renewal, fee, revocation.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(61) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to fixing fees for licenses, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 15.—STEAM AND OTHER OPERATING ENGINEERS

§ 2-1502. Board of examiners—Constitution—Examination of applicants—Compensation of Board members—Inspection of engines and boilers.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(62) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to providing rules and regulations, and prescribing tests to which engines and steam boilers shall be subjected, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 17.—ARMORY BOARD

§ 2-1702. Membership of board—Term—Appointment of alternates—Delegation of authority—Compensation—Election of chairman.

TRANSFER OF FUNCTIONS OF THE BOARD OF COMMISSIONERS

Section 501 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"Status of certain agencies. (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

"(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

- "(1) Board of Education (including the public school system).
- "(2) Board of Library Trustees (including the public libraries).
- "(3) Recreation Board.
- "(4) Public Service Commission.
- "(5) Zoning Commission.
- "(6) Zoning Advisory Council.
- "(7) Board of Zoning Adjustment.
- "(8) Office of the Recorder of Deeds.
- "(9) Armory Board."

§ 2-1724. Deposit of receipts into operating fund—Use of funds—Record of cost and maintenance to be kept—Board may advance moneys for operation and maintenance—Reimbursement—Surplus moneys to be placed in sinking fund—Statement to be filed with Congress.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(63) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to the authority and responsibility of the Commissioners, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-1727. Limitation on indebtedness—Limitation on liability of Board members—Deficits to be included in budget estimates—Commissioners may borrow from Secretary of Treasury—Repayment—Bonds guaranteed by the United States.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(63) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to the authority and responsibility of the Commissioners, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establish-

ing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-1728. Filing of annual reports with Congress.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(63) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to the authority and responsibility of the Commissioners, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 18.—PROFESSIONAL ENGINEERS

§ 2-1808. General powers of Board.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402 (64, 65, 66, 67 and 68) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (c), (j), (l), (n), (o) to the District of Columbia Council, to the extent and in the particulars specified in the pars. above enumerated, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-1813. Fees—Payment of expenses—Audit.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(69) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to the bonding provisions, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 20.—PAWNBROKERS

§ 2-2003. Appointment of attorney and application for licenses.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(70) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b) (4) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-2007. Enforcement provisions—Commissioners to investigate licensees—Production of records—Contempt proceedings—Filing of reports—Preservation of records—Review of Commissioners' decisions

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(71) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) relating to the making of rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-2009. Investigations of economic conditions relating to pawnbrokerage business—Fixing of interest rates—Payment of loan.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(72) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) relating to the determination or fixing of maximum rates of interest, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-2017. Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(73) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 21.—CHARITABLE SOLICITATIONS

§ 2-2102. Powers of Commissioners.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(74) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) (7) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-2103. Certificate of registration—Nonapplicability to educational or religious groups—Other exemptions by regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(75) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (d) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-2104. Application for and issuance of certificate.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(76) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) to the extent and in the particulars specified in par. 76, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-2110. Promulgation of regulations—Hearing.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(77) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of

the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 23.—BONDING OF HOME IMPROVEMENT BUSINESS

§ 2-2301. Bonding of persons engaged in home improvement business—Definitions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(78) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to the bonding provisions, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 2-2302. Commissioners may establish classes and subclasses of persons licensed in the home improvement business—Bonds for the protection of the public—Licensees may be required to carry public liability and property damage insurance—Designation of Commissioners by licensees as their attorney for service of process—Terms and conditions of bonds—Aggrieved person may sue on the bond.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(79 and 80) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) up to and including clause 2 of subsection (a) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 3.—BOARD OF PUBLIC WELFARE

Chapter 1.—BOARD OF PUBLIC WELFARE

§ 3-108. Regulation of admissions to, and administration of institutions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(81) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to the admission of persons to institutions, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 3-116. Children over whom Board shall have supervision.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(82) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to the establishment of rules for receiving and temporarily caring for children, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 3-121. Children under 17 years not to be committed to jail, workhouse, or police station.

CROSS REFERENCE

Federal Youth Corrections Act, applicability to the District, see 18 U.S.C. 5024, 5025.

Chapter 2.—PUBLIC ASSISTANCE

§ 3-202. Categories and administrations of public assistance.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(83) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b)(2) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 3-203. Eligibility for public assistance.

NOTES TO DECISIONS

Congressional discretion

One-year residence requirement as a requisite for receipt of public assistance was within discretion of Congress. *M. Harrell et al. v. The Board of Commissioners etc.* (1967, 269 F. Supp. 919).

Constitutionality

A substantial constitutional question was not raised by contention that one-year residence requirement for public welfare is unconstitutional. *M. Harrell et al. v. The Board of Commissioners, etc.* (1967, 269 F. Supp. 919).

§ 3-204. Amount of public assistance.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(84) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under subsection (a) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 3-205. Application for public assistance.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(85) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 3-211. Records.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(86) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) relating to the custody, use, and preservation of records, papers and files, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 3-213. Funeral expenses.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(87) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 3-214. Hearings.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(88) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to hearings, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

NOTES TO DECISIONS

Declaratory and injunctive relief

In an action seeking declaratory and injunctive relief, the United States District Court for the District of Columbia properly declined jurisdiction of suit by mothers receiving assistance under District of Columbia Aid to Families with Dependent Children program against Board of Commissioners of the District of Columbia and other officials having responsibilities with regard to the program with respect to administration of program because mothers, prior to invoking aid of District Court, did not pursue avenues of administrative relief open to them. *P. A. Smith v. Board of Commissioners of the District of Columbia* (1967, 380 F. 2d 632 — U.S. App. D.C. —).

TITLE 4.—POLICE AND FIRE DEPARTMENTS

Chapter 1.—METROPOLITAN POLICE

Sec.

4-140a. Investigative arrests—Maximum period for questioning—Admissibility of confessions.

4-150a. False or fictitious reports to Metropolitan Police—Penalty.

§ 4-102. Police districts and precincts to be established by commissioners.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(89) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-107. Age limits on original appointments.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(90) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-115. Special policemen—Appointment and compensation.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(91) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to regulations regarding special policemen, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-117. Duties of police matrons.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(92) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-121. Rules and regulations—Fine, suspension, or dismissal of police—Charges to be heard by trial board.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(93) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to rules and regulations for the proper government, conduct, discipline, and good name of the police force and fixing penalties, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-122. Trial board—Appointment—Hearings—Findings—Appeals—Existing rules and regulations ratified.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402 (94 and 95) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to rules of procedure before trial boards, and changing, altering, amending, or abolishing rules and regulations of the police force under the last proviso of this section, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-130. Clothing to be uniform.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(96) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to rules for uniform clothing, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-132a. Residence requirements of members of Police Force and Fire Department.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(97) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-134. Records—General complaint files—Lost, missing, or stolen property—Personnel records of police.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(98) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (5) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

NOTES TO DECISIONS

Review by mandamus

On a petition for mandamus, District court's ruling, in criminal case, denying defendant access to certain police records which he claimed were public records, and refusing to appoint private investigator, were not reviewable. *G. E. Ross, Jr. v. The Honorable J. J. Sirica, United States District Judge* (1967, 380 F. 2d 557, — U.S. App. D.C. —).

§ 4-134a. Central criminal records.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(99) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under subsection (a) relating to traffic violations and other petty offenses, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-135. Records open to public inspection.

NOTES TO DECISIONS

Review by mandamus

On a petition for mandamus, District court's ruling, in criminal case, denying defendant access to certain police records which he claimed were public records, and refusing to appoint private investigator, were not reviewable. *G. E. Ross, Jr. v. The Honorable J. J. Sirica, United States District Judge* (1967, 380 F. 2d 557, — U.S. App. D.C. —).

§ 4-140. Arrests without warrant.

(a) An officer or member of the Metropolitan Police force may arrest without a warrant and take into custody any person who commits, or threatens or attempts to commit, in the presence of, or within the view of, such officer or member any breach of the peace or offense directly prohibited by an Act of Congress or by any other law in force in the District.

(b) An officer or member of the Metropolitan Police force may arrest a person without a warrant if he has probable cause to believe that such person (1) has committed or is about to commit any offense listed in subsection (c) of this section, and (2) unless immediately arrested, may not be apprehended, may cause injury to others or damage to property, or may tamper with, dispose of, or destroy evidence.

(c) The offenses referred to in subsection (b) of this section are—

(1) those offenses specified in the following sections of the Act of March 3, 1901: Section 806 (relating to assault) (D.C. Code, sec. 22-504), section 824 (relating to unlawful entry) (D.C. Code, sec. 22-3102), and section 829 (relating to receiving stolen goods) (D.C. Code, sec. 22-2205); and

(2) attempts to commit the offenses specified in the following sections of the Act of March 3, 1901: Section 823 (relating to housebreaking) (D.C. Code, sec. 22-1801), section 826 (relating to grand larceny) (D.C. Code, sec. 22-2201), and section 826b (relating to unauthorized use of vehicles) (D.C. Code, sec. 22-2204).

(R.S.D.C., 397, Dec. 27, 1967, Pub. L. 90-226, § 101, title I, 81 Stat. 734.)

AMENDMENT

1967—Section 101, Act Dec. 27, 1967, Pub. L. 90-226, amended section to read as above set out. For provisions of section prior to this amendment see main edition of the code.

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act [Pub. L. 90-226], commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2201, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025], shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for amendments made by this Act, see

enumeration in note above under heading "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

§ 4-140a. Investigative arrests—Maximum period for questioning—Admissibility of confessions.

(a) Any person arrested in the District of Columbia may be questioned with respect to any matter for a period not to exceed three hours immediately following his arrest. Such person shall be advised of and accorded his rights under applicable law respecting any such interrogation. In the case of any such arrested person who is released without being charged with a crime, his detention shall not be recorded as an arrest in any official record.

(b) Any statement, admission, or confession made by an arrested person within three hours immediately following his arrest shall not be excluded from evidence in the courts of the District of Columbia solely because of delay in presentment. (Dec. 27, 1967, Pub. L. 90-226, § 301, title III, 81 Stat. 735.)

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act [Pub. L. 90-226], commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act [Amendments of sections, 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025], shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."], or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

§ 4-142. Information and return after arrest.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(100) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to rules and regulations regarding the written return of arrests, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-144. Detention of witnesses.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(101) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-150a. False or fictitious reports to Metropolitan Police—Penalty.

Whoever shall make or cause to be made to the Metropolitan Police force of the District of Columbia, or to any officer or member thereof, a false or fictitious report of the commission of any criminal offense within the District of Columbia, or a false or fictitious report of any other matter or occurrence of which such Metropolitan Police force is required to receive reports, or in connection with which such Metropolitan Police force is required to conduct an investigation, knowing such report to be false or fictitious; or who shall communicate or cause to be communicated to such Metropolitan Police force, or any officer or member thereof, any false information concerning the commission of any criminal offense within the District of Columbia or concerning any other matter or occurrence of which such Metropolitan Police force is required to receive reports, or in connection with which such Metropolitan Police force is required to conduct an investigation, knowing such information to be false, shall be punished a fine of not exceeding \$300 or by imprisonment not exceeding thirty days. (Dec. 27, 1967, Pub. L. 90-226, § 608, title VI, 81 Stat. 739.)

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act, [Pub. L. 90-226] commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025] shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

§ 4-156. Return of property by property clerk—Two or more claimants—Liability of property clerk—Property needed as evidence—Storage fees—Disposal after thirty days notice to owner.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(102) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (e) in relation to disposition of property under the proviso clause, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-159. Property coming into possession of police to be transmitted to property clerk—Disposition of property of deceased and incompetent persons—Storage of property—Fees for storage and custody of property—Sale of stored property—Deposit of collected fees.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(103) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under subsection (c) in relation to disposition of property under clause (b), to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-160. Sales at public auction—Procedure—Sales of motor vehicles with liens of record—Notice to lienors and lienees—Abandonment of liens—Notice to Recorder of Deeds—Application of proceeds of sale—Deposit of moneys in Treasury—Moneys and other property of insane persons excepted.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(104) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) in relation to disposition of property, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-171a. Private detectives required to give bond—Conditions of bond—Suits on bond by injured persons.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(105) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in relation to the bonding provisions, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-186. Bonding of Metropolitan Police.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(106) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 4.—FIRE DEPARTMENT

§ 4-402. Commissioners to have exclusive jurisdiction—Rules and regulations—Appointments to be under civil service—Selection of chief engineer and deputy chief engineers—Original appointment and promotion of privates—Vacancies.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(107) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as making, altering, or amending rules and regulations relating to officers and members of the fire department, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-403. Age limits on original appointments.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(108) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of

the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-411. Use of equipment for volunteer fire organizations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(109) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-414. Reciprocal agreements for mutual aid.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(110) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 8.—SALARIES

§ 4-802. Salary increase denied if service unsatisfactory—Removal for inefficiency—Additional compensation for efficiency.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(111) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section regarding the selection and reporting of names of privates and sergeants possessed of outstanding efficiency, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-807. Additional compensation for working on holidays.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(112) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section regarding additional compensation for working on holidays, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-808. Holiday defined.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(113) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Co-

lumbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 4-823. Salary Schedules—Rates of basic compensation of officers and members of Metropolitan Police Force and Fire Department.

CODIFICATION

Act July 18, 1966, Pub. L. 89-504 was the Federal Employees Salary Act of 1966. Section 108(b), (c) and (d) of that Act related to increase in compensation by administrative action. Act Sept. 11, 1967, Pub. L. 90-83, which incorporates certain provisions of the above act into the new title 5 U.S.C., repeals the provisions of section 108(b), (c) and (d), as executed without prejudice to existing rights.

SALARY RATES FIXED BY ADMINISTRATIVE ACTION

Act Dec. 16, 1967, Pub. L. 90-206, 81 Stat. 633, Title II, § 211(b), (c), (d), provided:

"(b) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this title are hereby authorized to be increased, effective on the effective date of section 202 of this title, by amounts not to exceed the increases provided by this title for corresponding rates of pay in the appropriate schedule or scale of pay.

"(c) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of pay may be fixed by administrative action."

§ 4-835. Commissioners authorized to promulgate regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(114) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 9.—MISCELLANEOUS PROVISIONS

§§ 4-905 to 4-909. Repealed. Sept. 6, 1966, 80 Stat. 632, Pub. L. 89-554, § 8(a).

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(115) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, regarding determination whether injury or disease resulted from the performance of duty, under section 4-909, subsection (b) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Section 4-909 to which this note relates was repealed and is now covered by section 5 U.S.C. 6324(b) (1).

TITLE 5.—BUILDING RESTRICTIONS AND REGULATIONS

Chapter 2.—BUILDING LINES

§ 5-205. Existing buildings may project beyond established building line—Commissioners to have control of parkings.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(116) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section regarding the care and preservation of parkings, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 3.—FIRE ESCAPES AND SAFETY PROVISIONS

§ 5-301. Fire escapes required on certain structures—Exceptions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(117) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to numbers and material, type, and construction of fire escapes, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 5-304. Alterations may be required to locate fire escapes or add additional ones.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(118) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 5-317. Means of egress and fire safety appliances required in certain public buildings.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(119) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 4.—ZONING AND HEIGHT OF BUILDINGS

§ 5-405. Width of street to govern height—Business streets—Residence streets—Corner lots—Fireproof requirements—Dean Tract—Restrictions and limitations applicable to specific property.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(120) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the extent provided in par. 120, to the District of Columbia Council, subject to the right of the Commis-

sioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 5-411. Plats of restricted area to be prepared.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(121) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 5-412. Zoning Commission created—Membership—Assignment of employees.

TRANSFER OF FUNCTIONS WITH RESPECT TO ZONING COMMISSION

Section 404 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"Zoning Commission functions of the members of the Board of Commissioners of the District of Columbia with respect to serving as members of the Zoning Commission (D.C. Code, sec. 5-412) are hereby transferred as follows:

"(a) Those of the President of the Board of Commissioners are transferred to the Chairman of the District of Columbia Council.

"(b) Those of the Engineer Commissioner are transferred to the Commissioner of the District of Columbia.

"(c) Those of the other member of the Board of Commissioners are transferred to the Vice Chairman of the Council."

TRANSFER OF FUNCTIONS OF THE BOARD OF COMMISSIONERS

Section 501 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"*Status of certain agencies.* (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

"(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

"(1) Board of Education (including the public school system).

"(2) Board of Library Trustees (including the public libraries).

"(3) Recreation Board.

"(4) Public Service Commission.

"(5) Zoning Commission.

"(6) Zoning Advisory Council.

"(7) Board of Zoning Adjustment.

"(8) Office of the Recorder of Deeds.

"(9) Armory Board."

§ 5-415. Existing zoning regulations continued until amended—Public hearing on amendments—Notice—Contents.

NOTES TO DECISIONS

Classification

Validity of zoning classification, excluding high-rise construction, is not impaired by fact that classification

adopted was not proposed in notice for hearing, while high-rise classification was proposed, where it did not appear that subject of the change was not aired at hearing, and zoning commission's reason for adopting exclusionary classification was unlikely that high-rise construction was then needed, and objecting party's predecessor, who owned property at time of zoning, did not object over period of years. *S. J. Gerstenfeld v. T. S. Jett et al.* (1967, 374 F. 2d 333, — U.S. App. D.C. —).

§ 5-417. Zoning Advisory Council—Creation—Membership—Submission of amendments to zoning regulations.

TRANSFER OF FUNCTIONS OF THE BOARD OF COMMISSIONERS

Section 501 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"Status of certain agencies. (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

"(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

- "(1) Board of Education (including the public school system)
- "(2) Board of Library Trustees (including the public libraries)
- "(3) Recreation Board
- "(4) Public Service Commission
- "(5) Zoning Commission
- "(6) Zoning Advisory Council
- "(7) Board of Zoning Adjustment
- "(8) Office of the Recorder of Deeds
- "(9) Armory Board"

§ 5-420. Board of Zoning Adjustment—Creation, membership—Tenure—Regulations to govern organization and procedure—Appeal—Procedure, powers—Majority vote necessary.

TRANSFER OF FUNCTIONS OF THE BOARD OF COMMISSIONERS

Section 501 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"Status of certain agencies. (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

"(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

- "(1) Board of Education (including the public school system)
- "(2) Board of Library Trustees (including the public libraries)
- "(3) Recreation Board
- "(4) Public Service Commission
- "(5) Zoning Commission
- "(6) Zoning Advisory Council
- "(7) Board of Zoning Adjustment
- "(8) Office of the Recorder of Deeds
- "(9) Armory Board"

NOTES TO DECISIONS

Exception

A party aggrieved by a classification of District of Columbia Zoning Commission may be able to seek special exception before Board of Zoning Adjustment. *S. J. Gerstenfeld v. T. S. Jett et al.* (1967, 374 F. 2d 333, — U.S. App. D.C. —).

Chapter 7.—HOUSING REDEVELOPMENT

Sec.

5-723. Same; Agency authorized to lease property—Limitations on other transfers—No transfer of funds required if property is acquired by District or Agency of United States—Owners of displaced business concerns to have priority in leasing privileges—Notification—Rent formula—Residual value of land.

§ 5-705. General and project area redevelopment plans—Shaw Junior High School.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(122) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in relation to approving boundaries of project areas and redevelopment plans and modifications thereof, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 5-711. Modification of redevelopment plans.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(122) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in relation to approving boundaries of project areas and redevelopment plans and modifications thereof, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 5-717a. Acceptance of financial assistance authorized.

(a) As an alternative method of financing its authorized operations and functions under the provisions of sections 5-701 to 5-719 (in addition to that provided in section 5-715), the Agency is hereby authorized and empowered to accept financial assistance from the Secretary of Housing and Urban Development (hereinafter in this section referred to as the Secretary), in the form of advances of funds, loans, and capital grants pursuant to title I of the Housing Act of 1949, as amended, to assist the Agency in acquiring real property for redevelopment of project areas and carrying out any functions authorized under sections 5-701 to 5-719 for which advances of funds, loans, or capital grants may be made to a local public agency under title I of the Housing Act of 1949, as amended, and the Agency, subject to the approval of the District Commissioners and subject to such terms, covenants, and conditions as may be prescribed by the Secretary pursuant to title I of the Housing Act of 1949, as amended, may enter into such contracts and agreements as may be necessary, convenient, or desirable for such purposes.

(b) Subject to the approval of the District Commissioners, the Agency is authorized to accept from the Secretary advances of funds for surveys and plans in preparation of a project or projects authorized by sections 5-701 to 5-719 which may be assisted under title I of the Housing Act of 1949, as amended, and the Agency is authorized to transfer to the Planning Commission so much of the funds so advanced as the District Commissioners shall determine to be necessary for the Planning Com-

mission to carry out its functions under sections 5-701 to 5-719 with respect to the project or projects to be assisted under title I of the Housing Act of 1949, as amended.

(c) The District Commissioners are authorized to include in their annual estimates of appropriations items for administrative expenses which, in addition to loan or other funds available therefor, are necessary for the Agency in carrying out its functions under this section.

(d) Notwithstanding the limitation contained in the last sentence of section 110(d) or in any other provision of title I of the Housing Act of 1949, as amended, the Secretary is authorized to allow and credit to the Agency such local grants-in-aid as are approvable pursuant to said section 110(d) with respect to any project or projects undertaken by the Agency under a contract or contracts entered into under this section and assisted under title I of the Housing Act of 1949, as amended. In the event such local grants-in-aid as are so allowed by the Secretary are not sufficient to meet the requirements for local grants-in-aid pursuant to title I of the Housing Act of 1949, as amended, the District Commissioners are hereby authorized to enter into agreements with the Agency, upon which agreements the Secretary may rely, to make cash payments of such deficiencies from funds of the District of Columbia. The District Commissioners shall include items for such cash payments in their annual estimates of appropriations, and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the amounts necessary to provide for such cash payments. Any amounts due the Secretary pursuant to any such agreements shall be paid promptly from funds appropriated for such purpose.

(e) All receipts of the Agency in connection with any project or projects financed in accordance with this section with assistance under title I of the Housing Act of 1949, as amended, whether in the form of advances of funds, loans, or capital grants made by the Secretary to the Agency, or in the form of proceeds, rentals, or revenues derived by the Agency from any such project or projects, shall be deposited in the Treasury of the United States to the credit of a special fund or funds, and all moneys in such special fund or funds are hereby made available for carrying out the purposes of sections 5-701 to 5-719 with respect to such project or projects, including the payment of any advances of funds or loans, together with interest thereon, made by the Secretary or by private sources to the Agency. Expenditures from such fund shall be audited, disbursed, and accounted for as are other funds of the District of Columbia.

(f) With respect to any project or projects undertaken by the Agency which are financed in accordance with this section with assistance under title I of the Housing Act of 1949, as amended—

- (1) sections 5-702(f), 5-702(k), and 5-706(g), and the last sentence of section 5-705(b)
- (2) shall not be applicable to those pieces of real property which, in accordance with the approved project area redevelopment plan, are to be devoted to public housing to be undertaken under

Public Law 307, Seventy-third Congress, approved June 12, 1934, as amended;

(2) the site and use plan for the redevelopment of the area, included in the redevelopment plan of the project area pursuant to section 5-705(b) (2), shall include the approximate extent and location of any land within the area which is proposed to be used for public housing to be undertaken under Public Law 307, Seventy-third Congress, approved June 12, 1934, as amended;

(3) notwithstanding any other provisions of sections 5-701 to 5-719 the Agency, pursuant to section 5-706(a), shall have power to transfer to and shall at a practicable time or times transfer by deeds to the National Capital Housing Authority those pieces of real property which, in accordance with the approved project area redevelopment plan, are to be devoted to public housing to be undertaken under Public Law 307, Seventy-third Congress, approved June 12, 1934, as amended, and, in accordance with the requirements of section 107 of the Housing Act of 1949, the National Capital Housing Authority shall pay for the same out of any of its funds available for such acquisition.

(g) It is the purpose and intent of this section to authorize the District Commissioners and the appropriate agencies operating within the District of Columbia to do any and all things necessary to secure financial aid under title I of the Housing Act of 1949, as amended. The District of Columbia Redevelopment Land Agency is hereby declared to be a local public agency for all of the purposes of title I of the Housing Act of 1949, as amended. As such a local public agency for all of the purposes of title I of the Housing Act of 1949, as amended, the Agency is also authorized to borrow money from the Secretary or from private sources as contemplated by title I of the Housing Act of 1949, as amended, to issue its obligations evidencing such loans, and to pledge as security for the payment of such loans and the interest thereon, the property, income, revenues, and other assets acquired in connection with the project or projects financed in accordance with this section with assistance under title I of the Housing Act of 1949, as amended, but such obligations or such pledge shall not constitute a debt or obligation of either the United States or of the District of Columbia.

(h) Nothing contained in this section or in sections 5-701 to 5-719 shall relieve the Secretary of his responsibilities and duties under section 105 (c) or any other section of the Housing Act of 1949, as amended. The Secretary shall not enter into any contract of financial assistance under title I of this Act with respect to any project of the District of Columbia Redevelopment Land Agency for which a budget estimate of appropriation was transmitted pursuant to law and for which no appropriation was made by the Congress.

(i) In addition to its authority under any other provision of sections 5-701 to 5-719, the Agency is hereby authorized to plan and undertake urban renewal projects (as such projects are defined in title I of the Housing Act of 1949, as amended), and in connection therewith the Agency, the District Com-

missioners, the National Capital Planning Commission, and the other appropriate agencies operating within the District of Columbia shall have all of the rights and powers which they have with respect to a project or projects financed in accordance with the preceding subsections of this section: *Provided*, That for the purpose of this subsection the word "redevelopment" wherever found in sections 5-701 to 5-719 (except in section 5-702(n)) shall mean "urban renewal", and the references in section 5-705 to the acquisition, disposition, or assembly of real property for a project shall mean the undertaking of an urban renewal project.

(j) The District Commissioners are hereby authorized to prepare a workable program as prescribed by section 101(c) of the Housing Act of 1949, as amended, and are also authorized to request the necessary funds for the preparation of said workable program. The Commissioners may request the participation of the Agency in the preparation of said workable program and may include in their annual estimates of appropriations such funds as may be required by the Commissioners or the Agency, or both, for this purpose. The District Commissioners are hereby authorized, with or without reimbursement, to cooperate with the Agency in carrying out urban renewal projects and to utilize for that purpose the facilities and personnel of the District of Columbia under agreement with the Agency. (Aug. 2, 1946, ch. 736, § 20 as added July 15, 1949, 63 Stat. 441, ch. 338, title VI, § 609, and amended Aug. 2, 1954, 68 Stat. 630, ch. 649, title III, § 316; May 25, 1967, Pub. L. 90-19, § 3, 81 Stat. 20.)

REFERENCES IN TEXT

Title I of the Housing Act of 1949, referred to in the text, is classified to 42 U.S.C. §§ 1451 to 1460.

Sections 101(c), 105(c), 107, and 110(d), of the Housing Act of 1949, referred to in the text, are classified respectively to 42 U.S.C. §§ 1451(c), 1455(c), 1457, and 1460(d).

AMENDMENTS

1967—Sec. 3, of act May 25, 1967, amended section by striking out "Housing and Home Finance Administrator (hereafter in this section referred to as the Administrator)" in subsection (a) and inserting in lieu "Secretary of Housing and Urban Development (hereinafter in this section referred to as the Secretary)" and by striking out "Administrator" each place it appears and inserting in lieu "Secretary".

1954—Act Aug. 2, 1954, added "as amended" after "1949" wherever appearing, and added subsecs. (i) and (j).

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402 (123, 124 and 125) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a), (b) and (d) in the particulars specified in pars. 123, 124 and 125, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 5-718. Effect upon existing statutes.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(126) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) in relation to approving releases, modifications, and departures from features and details of approved redevelopment plans, to the District of Columbia Council, subject to the right of the Commissioner as provided by

section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 5-720. Commissioners authorized to transfer to District of Columbia Redevelopment Land Agency certain property located in Maine Avenue area.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(127) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5-723.

§ 5-721. Same; determination of necessity.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(128) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in appendix to title 1.

§ 5-722. Same; transfer of jurisdiction to Agency.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(129) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in appendix to title 1.

§ 5-723. Same; Agency authorized to lease property—Limitations on other transfers—No transfer of funds required if property is acquired by District or Agency of United States—Owners of displaced business concerns to have priority in leasing privileges — Notification — Rent formula — Residual value of land.

* * * * *

(b) In connection with the leasing of the real property transferred to the Agency under the authority of sections 5-720 to 5-727, together with the leasing of any real property lying between such real property so transferred and the southerly or westerly line of Maine Avenue as the same may be relocated in connection with carrying out an urban renewal plan, the Agency is authorized and directed to provide to the owner or owners of any business concern displaced from the area described in section 5-720, a priority of opportunity to lease, either individually or as a redevelopment company solely owned by the owner or owners of one or more such business concerns, so much of such real property lying channelward of the southerly or westerly line of Maine Avenue as so relocated, at a rental based on the use-value of the real property so leased determined in accordance with the provisions of section 5-709, and section 1460(c) (4) of title 42, U.S. Code, as may be required for the construction of commercial facilities at least substantially equal to the facilities from which such business concern was so dis-

placed. The priority of opportunity created by this section is a personal right of the owners of businesses displaced. In the event of the death of any such owner of any such displaced business, the spouse of such owner, or, if there is no spouse, the children of such owner shall be entitled to exercise the priority of such owner in accordance with the provisions of this section, but in no event shall any such priority be otherwise transferable: *Provided, however,* That the spouse or the children, as the case may be, shall have no greater priority than the priority holder would have had if living. For the purposes of exercising such priority, the spouse or children, as the case may be, shall be deemed to be owner of such business concern so displaced. When the real property affected by the provisions of this subsection becomes available for leasing by the Agency, the Agency shall notify, in writing, the owners of the business concerns displaced, as to the availability of such real property for leasing to such owners in accordance with the provisions of this subsection. The Agency shall give such owners so notified a period of one hundred and eighty days to notify the Agency, in writing, of their intention to proceed in accordance with the general development plan of the Agency for the area lying channelward of Maine Avenue, as so relocated, and to demonstrate to the Agency their ability to carry out so much of such plan as may be embraced within the area which they desire to lease. If at the end of such period of one hundred and eighty days, such owners have failed to make a demonstration to that effect which is satisfactory to the Agency, the priority of opportunity provided by this subsection shall no longer continue to be available to such owners, except that if after the end of such one-hundred-and-eighty-day period the Agency shall change the terms under which real property is to be leased, or the redevelopment plan for the area described in section 5-720 is changed so as to affect the economic value of the leasehold, the Agency shall in writing notify each such owner of the change or changes so made and give to such owner so notified a period of sixty days within which to advise the Agency in writing of his intention and to demonstrate his ability to proceed as aforesaid.

(c)(1) Notwithstanding any other provision of law, whenever, pursuant to subsection (b), the Agency offers leaseholds to persons entitled to a priority of opportunity to lease under the provisions of this section, the annual rent prescribed in such lease shall not exceed an amount which is the greater of—

(A) an amount equal to 6 per centum of the residual value of the land for the prescribed use to which any owner of a displaced business concern shall put such land under such lease;

(B) the annual amount which the Agency shall be required to pay in principal and interest on a forty-year loan of an amount equal to the residual value of the land under such lease which value is the residual value of the land which was determined by the Agency, in accordance with this subsection, and on the basis of which such land was initially leased under this section; or

(C) the sum of (i) the amount determined under subparagraph (A) or (B) of this paragraph,

whichever is greater, and (ii) 50 per centum of the product of the occupancy cost factor for the class and character of the business of such lessee times the amount by which the lessee's actual annual gross sales income exceeds the estimated gross sales income (for the class and character of the displaced business) used by the Agency in determining the residual value of the land leased to such lessee.

In the case of any land which the Agency leases under this section, the annual rent prescribed by the Agency in the lease of such land shall not, during the forty-three-year period beginning on the date such land was first leased by the Agency under this section, be less than the amount determined under subparagraph (B) of this paragraph. In the case of any land which the Agency leases under this section to a displaced business, the residual value of such land—

(I) may be redetermined by the Agency after the expiration of twenty-five years from the date such land was first leased by the agency and at the end of each ten-year period thereafter, or

(II) shall be redetermined by the Agency if at the end of the twenty-five-year period from the date such land was first leased by the Agency or at the end of each ten-year period thereafter, the lessee requests the Agency to redetermine such residual value.

The residual value of such land shall make due allowance for the cost to the owner of the displaced business of all improvements and public charges on such land, and shall not exceed the maximum fair use value economically feasible to permit the reestablishment of a business of the class and character of such displaced business.

(2) Each business holding a lease under this Act shall furnish annually to the Agency (on such date as the Agency may by regulation prescribe) a copy of the sales tax return filed by such business under the District of Columbia Sales Tax Act, which copy was furnished to the business under section 47-2615(a). (As amended Dec. 6, 1967, Pub. L. 90-176, § 1, 81 Stat. 542.)

REFERENCES IN TEXT

This "Act" referred to in subsection (c) is the Act of Sept. 8, 1960, as amended by the Act of Dec. 6, 1967, Pub. L. 90-176 and set out as §§ 5-720 to 5-727. District of Columbia Sales Tax Act referred to in subsection (c) is the Act set out as title 47, ch. 26 of the D.C. Code.

AMENDMENTS

1967—Section 1, Act Dec. 6, 1967, Pub. L. 90-176, made the following amendments to the section:

(1) Struck out of the first sentence of subsection (b) "by reason of the enactment of Section 7-134,";

(2) Struck out of the former second sentence [now third sentence] of subsection (b) "by reason of the operation of section 7-134,";

(3) Inserted after the first sentence a new second sentence beginning with the word "The priority" and ending with "so displaced";

(4) Struck out the period at the end of the last sentence of subsection (b), inserted a comma and the matter beginning with the words "except that" and ending with "aforesaid";

(5) Added subsection (c).

§ 5-724. Same; reversion provisions.

Notwithstanding sections 5-720 to 5-723, if any of the real property transferred to the Agency under the authority of sections 5-720 to 5-727 is

not leased by the Agency in accordance with an urban renewal plan approved by the Commissioners, or otherwise disposed of, on or before the date the Secretary of Housing and Urban Development makes the final Federal capital grant payment to the Agency for the project pursuant to title I of the Housing Act of 1949, as amended, then the right, title, and interest in and to so much of the said real property as is not so leased or otherwise disposed of by such date shall revert to the United States, subject to the exclusive control and jurisdiction of the Commissioners of the District of Columbia, and subject to the provisions of sections 8-115 and 8-116. (Sept. 8, 1960, 74 Stat. 872, Pub. L. 86-736, § 5; May 25, 1967, Pub. L. 90-19, § 17, 81 Stat. 25.)

REFERENCES IN TEXT

Title I of the Housing Act of 1949, as amended, referred to in the text, is classified to 42 U.S.C. § 1450 et seq.

AMENDMENT

1967—Sec. 17 of act May 25, 1967, amended section by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

§ 5-729. Same; relocation payments for reasonable and necessary moving expenses and actual direct losses of property resulting from displacement from property acquired by Commissioners for public works projects—Exception—Regulations—Limit on payments.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(130) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section relating to regulations for making relocation payments as specified in par. 130, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 5-732. Commissioners authorized to make regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(131) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 9.—HORIZONTAL PROPERTY REGIMES

§ 5-928. Regulations of the Board of Commissioners and the zoning commission.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(132) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 6.—HEALTH AND SAFETY

Chapter 1.—HEALTH DEPARTMENT— ORGANIZATION

§ 6-114. Commissioners authorized to make health regulations and alter, amend, or repeal certain legalized ordinances.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(133) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 6-118. Commissioners to promulgate regulations to prevent spread of diseases.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(134) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in relation to promulgating rules and regulations to prevent and control the spread of communicable diseases, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 6-119. "Communicable disease" defined.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(135) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 6-119h. Penalties—Prosecutions—Imposition of conditions by court.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(136) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to prescribing penalties for violation of regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 3.—VITAL STATISTICS

§ 6-301. Births to be reported—Details of report—Certain stillbirths not to be reported—Receipt of report to be acknowledged to parent—Name of child—Delayed registrations—Definitions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(137 and 138) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) and (b) in the particulars described in

pars. 137 and 138, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 5.—GARBAGE

§ 6-501. Regulations for the collection and disposal of garbage to be made by Commissioners—Penalties.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(139) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 6-507. Commissioners to fix time when plant shall begin to function—Other methods of disposal prohibited—Sale of salvageable material—Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(140) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to the making of regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 6-511. Use of incinerator by certain Maryland and Virginia municipalities authorized.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(141) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the extent specified in par. 141, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 6.—MANUFACTURE, RENOVATION, AND SALE OF MATTRESSES

§ 6-603. Tag requirements.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(142) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 7.—PRIVIES

§ 6-703. Regulation of construction and maintenance.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(143) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 8.—SMOKE PREVENTION

§ 6-802. Commissioners to make regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(144) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 10.—BLACK-OUTS IN WAR TIME

§ 6-1009. Establishment of organizations for civilian defense—Use of District of Columbia employees—Right of eminent domain—Funds for supplies and personnel—Hospitalization—Use of private property.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(145 and 146) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to make rules and regulations as provided in the preamble to the section, and to make regulations as provided in subsection (a), to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 6-1010. Penalties for violation of chapter.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(147) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 13.—CANCER AND MALIGNANT NEOPLASTIC DISEASES

§ 6-1301. Commissioners authorized to promulgate regulations requiring reports.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(148) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 6-1304. Penalties for violations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(149) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 7.—HIGHWAYS, STREETS, BRIDGES

Chapter 1.—HIGHWAY PLANS

§ 7-101. Commissioners to have control of streets— Power to make regulations for repairs.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(150) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to making of regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-106. Commissioners may change names of streets when two streets have same name.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(151) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-107. Commissioners to name streets outside of city limits.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(152) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-108. Permanent highway plan—Preparation by Commissioners—Width of highways.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(153) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the extent provided in par. 153, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-112. Commissioners authorized to name streets.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(154) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-113. Abandonment or readjustment of streets to provide ground for educational, religious, or similar institutions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(155) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to abandoning or readjusting streets or proposed streets, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-116. Powers may be exercised through Beatty and Hawkins's addition to Georgetown.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(154 and 156) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-117. Acceptance of dedicated streets—Building re- strictions—Right-of-way for sewers and water- mains.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(157) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-122. New highway plans authorized.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(158) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to determine the extent to which new highway plans may be out of conformity with the street plan, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 2.—LAND FOR STREETS

§ 7-201. Commissioners may open, extend, or widen streets, avenues, roads, or highways according to permanent system of highways—Damages and costs assessed as benefits—Damages and costs paid from revenues of District—Repaid from assessments.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(159) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 3.—ALLEYS AND MINOR STREETS

§ 7-302. Useless alleys—Sale of original alleys—Reversion of title to owner.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(160) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to closing alleys or parts of alleys, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-303. Alleys may be closed on dedication of new ones—Application of property owners—Future ownership of closed alleys—Plats recorded.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(161) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to the closing of alleys and accepting the dedication of alleys, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-304. Closing narrow alleys—Application of property owners—Disposal of land.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(162) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-305. Alleys closed for single improvement on two-thirds of square.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(163) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-306. Changing of alleyways—Petition of property owners—New dedication—Plat—Future ownership.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(164) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to orders declaring existing alleyways closed and opening new substitute alleyways, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-308. Obliterating subdivisions and alleys—Filing copy of order.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(165) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to orders canceling existing subdivisions of any square and obliterating alleys therein, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions

establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-309. Closing alleys—Authorized upon acquisition of abutting property by District of Columbia—Property owner's right of access preserved.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(166) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-310. Land owned by District may be set aside for alley purposes.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(167) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 4.—CLOSING STREETS, ALLEYS, OR HIGHWAYS

§ 7-401. Street Readjustment—Closing of unnecessary public ways authorized—Disposition of property—Reference to Planning Commission.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(168) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to the closing of streets, highways, roads, alleys or any part of any thereof, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 5.—BRIDGES, VIADUCTS, AND SUBWAYS

§ 7-501. Control of bridges vested in Commissioners of the District of Columbia—Except Aqueduct Bridge.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(169) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 6.—REPAIR AND CONSTRUCTION

§ 7-604a. Removal of street railway tracks—Provision for paving.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(170) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 7.—STREET LIGHTING

§ 7-706. Extension of gas-mains for maintenance of street lamps—Cost.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(171) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 12.—MISCELLANEOUS

§ 7-1201. Jurisdiction over Conduit Road transferred to Commissioners—Abutting property owners—Assessment—Application of municipal laws.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(172) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-1205. Denomination of streets as “business streets.”

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(173) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-1210. Sidings may be laid by Baltimore and Potomac Railroad Company—Authority of Commissioners.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(174) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-1212. Baltimore and Ohio Railroad Company authorized to extend tracks and maintain additional stations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(175) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-1218. Branch tracks, spurs, or sidings authorized—Plats or charts kept on file.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(176) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to approving the construction of railroad tracks, etc., and plans for branch sidings as provided in the note to this section, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-1219. Extensions through public grounds authorized—Exceptions—Approval of Fine Arts Commission.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(177) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 7-1236. Employment of temporary laborers and mechanics—Per diem rate of pay.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(178) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to the approval of wage rates fixed and adjusted from time to time by a wage board, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 8.—PARKS AND PLAYGROUNDS

Chapter 1. PARKS AND PLAYGROUNDS

§ 8-108. Park system—Control—Inclusions—Exclusions, improvements, parking spaces—"Business streets"—Conditions requisite.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(179) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 8-110. Street parking.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(180) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 8-115. Transfer of jurisdiction over property between United States and District of Columbia.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(181) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 8-138. Jurisdiction of reservation No. 8 transferred to Commissioners.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(182) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 8-140. Public convenience stations—Authority to make rules, regulations, and charges.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(183) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of

Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 8-162. Glover Parkway and Children's Playground.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(184) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 8-168. Public bathing beach authorized.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(185) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section insofar as they relate to the making of regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 2.—RECREATION BOARD

ARTICLE I.—MEMBERSHIP OF THE RECREATION BOARD

§ 8-202. Composition of Board—Qualifications—Tenure.

TRANSFER OF FUNCTIONS OF THE BOARD OF COMMISSIONERS

Section 501 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"*Status of certain agencies.* (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

"(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

- "(1) Board of Education (including the public school system).
- "(2) Board of Library Trustees (including the public libraries).
- "(3) Recreation Board.
- "(4) Public Service Commission.
- "(5) Zoning Commission.
- "(6) Zoning Advisory Council.
- "(7) Board of Zoning Adjustment.
- "(8) Office of the Recorder of Deeds.
- "(9) Armory Board."

TITLE 9.—PUBLIC BUILDINGS AND GROUNDS

Chapter 1.—REGULATING PROVISIONS

Sec.

- 9-123. Unlawful conduct on Capitol Grounds or in Buildings.
- 9-125. Prosecution and punishment of offenses—General laws not superseded.
- 9-126a. Detail of personnel from Metropolitan Police to Capitol Police Board—Duties and status of detailed personnel.
- 9-132. Definitions.

§ 9-101. Wharf property—Control by Commissioners of District—Authority to make rules and regulations—Jurisdiction of Chief of Engineers.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(186) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 9-102. Authority to make rules and regulations for wharf property—Leases—Rents.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(187) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 9-118. Capitol grounds area.

The United States Capitol Grounds shall comprise all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled "Map showing areas comprising United States Capitol Grounds", dated June 25, 1946, approved by the Architect of the Capitol and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added thereto by law subsequent to June 25, 1946, and the jurisdiction and control over the United States Capitol Grounds, heretofore vested by law in the Architect of the Capitol, is hereby extended to the entire area of the United States Capitol Grounds, and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof: *Provided*, That those streets and roadways in said United States Capitol Grounds shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia shall continue under such jurisdiction and control, and said Commissioners

shall be responsible for the maintenance and improvement thereof: *Provided further*, That the Commissioners of the District of Columbia shall be permitted to enter any part of said United States Capitol Grounds for the purpose of repairing or maintaining or, subject to the approval of the Architect of the Capitol, for the purpose of constructing or altering, any utility service of the District of Columbia government. (July 31, 1946, 60 Stat. 718, ch. 707, § 1; Oct. 20, 1967, Pub. L. 90-108, § 1(a), 81 Stat. 275.)

AMENDMENTS

1967—Section 1(a), Pub. L. 90-108, amended section by inserting after the words "book 127, page 8," the words "including all additions added thereto by law subsequent to June 25, 1946," and by striking out the "as defined on the aforementioned map."

Prosecution of prior violations not affected by Oct. 20, 1967 amendment. Applicability of Pub. L. 90-108 to violations occurring after Oct. 20, 1967.

Pub. L. 90-108, section 3 provided as follows:

"Prosecutions for violations of sections 9-118 to 9-126, 9-127 to 9-132 and of section 22-3111, occurring prior to the enactment of these amendments [Amendments to sections 9-118, 9-123, 9-125, 9-132 and 22-3111] shall not be affected by these amendments or abated by reason thereof. The provisions of amendments to sections 9-118, 9-123, 9-125, 9-132, and 22-3111 shall be applicable to violations occurring after its enactment."

§§ 9-119 to 9-122.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 9-125.

§ 9-123. Unlawful conduct on Capitol Grounds or in buildings.

(a) It shall be unlawful for any person or group of persons—

(1) Except as authorized by regulations which shall be promulgated by the Capitol Police Board:

(A) to carry on or have readily accessible to the person of any individual upon the United States Capitol Grounds or within any of the Capitol Buildings any firearm, dangerous weapon, explosive, or incendiary device; or

(B) to discharge any firearm or explosive, to use any dangerous weapon, or to ignite any incendiary device, upon the United States Capitol Grounds or within any of the Capitol Buildings; or

(C) to transport by any means upon the United States Capitol Grounds or within any of the Capitol Buildings any explosive or incendiary device; or

(2) Knowingly, with force and violence, to enter or to remain upon the floor of either House of the Congress.

(b) It shall be unlawful for any person or group of persons willfully and knowingly—

(1) to enter or to remain upon the floor of either House of the Congress, to enter or to remain in any cloakroom or lobby adjacent to such floor, or to enter or to remain in the Rayburn Room of the House or the Marble Room of the Senate, unless such person is authorized, pursuant to rules adopted by that House or pursuant to authorization given by that House, to enter or to remain upon such floor or in such cloakroom, lobby, or room;

(2) to enter or to remain in the gallery of either House of the Congress in violation of rules governing admission to such gallery adopted by that House or pursuant to authorization given by that House;

(3) to enter or to remain in any room within any of the Capitol Buildings set aside or designated for the use of either House of the Congress or any Member, committee, subcommittee, officer, or employee of the Congress or either House thereof with intent to disrupt the orderly conduct of official business;

(4) to utter loud, threatening, or abusive language, or to engage in any disorderly or disruptive conduct, at any place upon the United States Capitol Grounds or within any of the Capitol Buildings with intent to impede, disrupt, or disturb the orderly conduct of any session of the Congress or either House thereof, or the orderly conduct within any such building of any hearing before, or any deliberations of, any committee or subcommittee of the Congress or either House thereof;

(5) to obstruct, or to impede passage through or within, the United States Capitol Grounds or any of the Capitol Buildings;

(6) to engage in any act of physical violence upon the United States Capitol Grounds or within any of the Capitol Buildings; or

(7) to parade, demonstrate, or picket within any of the Capitol Buildings.

(c) Nothing contained in this section shall forbid any act of any Member of the Congress, or any employee of a Member of the Congress, any officer or employee of the Congress or any committee or subcommittee thereof, or any officer or employee of either House of the Congress or any committee or subcommittee thereof, which is performed in the lawful discharge of his official duties. (July 31, 1946, 60 Stat. 718, ch. 707, § 6; Oct. 20, 1967, Pub. L. 90-108, § 1(b), 81 Stat. 276.)

AMENDMENTS

1967—Section 1(b), Pub. L. 90-108, amended section to read as above set out. For provisions of section prior to amendment see main volume.

Prosecution of prior violations not affected by Oct. 20, 1967 amendment. Applicability of Pub. L. 90-108 to violations occurring after Oct. 20, 1967.

Pub. L. 90-108, section 3 provided as follows:

“Prosecutions for violations of sections 9-118 to 9-126, 9-127 to 9-132 and of section 22-3111, occurring prior to the enactment of these amendments [Amendments to

sections 9-118, 9-123, 9-125, 9-132 and 22-3111] shall not be affected by these amendments or abated by reason thereof. The provisions of amendments to sections 9-118, 9-123, 9-125, 9-132 and 22-3111 shall be applicable to violations occurring after its enactment.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9-125.

§ 9-124. Parades or assemblages and displays forbidden in Capitol Grounds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9-125.

§ 9-125. Prosecution and punishment of offenses—General laws not superseded.

(a) Any violation of section 9-123(a), and any attempt to commit any such violation, shall be a felony punishable by a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both.

(b) Any violation of sections 9-119 to 9-122, 9-123(b) and 9-124, and any attempt to commit any such violation, shall be a misdemeanor punishable by a fine not exceeding \$500, or imprisonment not exceeding six months, or both.

(c) Violations of this Act, including attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney or his assistants in the name of the United States. None of the general laws of the United States and none of the laws of the District of Columbia shall be superseded by any provision of this Act. Where the conduct violating this Act also violates the general laws of the United States or the laws of the District of Columbia, both violations may be joined in a single prosecution. Prosecution for any violation of section 9-123(a) or for conduct which constitutes a felony under the general laws of the United States or the laws of the District of Columbia shall be in the United States District Court for the District of Columbia. All other prosecutions for violations of this Act may be in the District of Columbia Court of General Sessions. Whenever any person is convicted of a violation of this Act and of the general laws of the United States or the laws of the District of Columbia, in a prosecution under this subsection, the penalty which may be imposed for such violation is the highest penalty authorized by any of the laws for violation of which the defendant is convicted. (July 31, 1946, 60 Stat. 719, ch. 707, § 8; July 8, 1963, Pub. L. 88-60, § 1, 77 Stat. 77; Oct. 20, 1967, Pub. L. 90-108, § 1(c), 81 Stat. 277.)

AMENDMENTS

1967—Section 1(c), Pub. L. 90-108, amended section to read as above set out. For provisions of section prior to amendment see main volume of the code.

REFERENCE IN TEXT

This “Act” referred to in text has reference to sections 9-118 to 9-126, 9-127 to 9-132.

Prosecution of prior violations not affected by Oct. 20, 1967 amendment. Applicability of Pub. L. 90-108 to violations occurring after Oct. 20, 1967.

Pub. L. 90-108, section 3 provided as follows:

“Prosecutions for violations of sections 9-118 to 9-126, 9-127 to 9-132 and of section 22-3111, occurring prior to the enactment of these amendments [Amendments to sections 9-118, 9-123, 9-125, 9-132 and 22-3111] shall not be affected by these amendments or abated by reason thereof.

The provisions of amendments to sections 9-118, 9-123, 9-125, 9-132 and 22-3111 shall be applicable to violations occurring after its enactment."

§ 9-126a. Detail of personnel from Metropolitan Police to Capitol Police Board—Duties and status of detailed personnel.

The Commissioners of the District of Columbia are authorized and directed to make such details [detail of personnel from Metropolitan Police Force to Capitol Police Board] upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person who was a member of such police on July 1, 1940, shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail. (July 28, 1967, Pub. L. 90-57, § 101, 81 Stat. 134.)

REFERENCES IN TEXT

The Second Deficiency Appropriation Act, 1940 and the Legislative Branch Appropriation Act, 1942 are set out in 54 Stat. 629 and 55 Stat. 456, respectively.

SIMILAR PROVISIONS

Provisions similar to those in this section were contained in a number of earlier legislative appropriation acts.

CODIFICATION

The provisions of this section were taken from the Legislative Appropriation Act for 1968 and are contained in Pub. L. 90-57, 81 Stat. 134, under the heading "Capitol Police Board". The portions in brackets were inserted by the codifiers for the sake of clarity.

§ 9-132. Definitions.

As used in this Act—

(1) The term "Capitol Buildings" means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all subways and enclosed passages connecting two or more of such structures, and the real property underlying and enclosed by any such structure.

(2) The term "firearm" shall have the same meaning as when used in section 1(3) of the Federal Firearms Act (52 Stat. 1252, as amended; 15 U.S.C. 901(3)).

(3) The term "dangerous weapon" includes all articles enumerated in section 14(a) of the Act of

July 8, 1932 (47 Stat. 654, as amended; D.C. Code 22-3214(a)) and also any device designed to expel or hurl a projectile capable of causing injury to persons or property, daggers, dirks, stilettos, and knives having blades over three inches in length.

(4) The term "explosive" shall have the same meaning as when used in section 1(1) of the Act of October 6, 1917 (40 Stat. 385, as amended; 50 U.S.C. 121).

(5) The term "act of physical violence" means any act involving (1) an assault or any other infliction or threat of infliction of death or bodily harm upon any individual, or (2) damage to or destruction of any real property or personal property. (July 31, 1946, 60 Stat. 721, ch. 707, § 16(a); Oct. 20, 1967, Pub. L. 90-108, § 1(d), 81 Stat. 277.)

AMENDMENTS

1967—Section 1(d), Pub. L. 90-108, amended section to read as above set out. For provisions of section see main volume of the code.

Prosecution of prior violations not affected by Oct. 20, 1967 amendment. Applicability of Pub. L. 90-108 to violations occurring after Oct. 20, 1967.

Pub. L. 90-108, section 3 provided as follows:

"Prosecutions for violations of sections 9-118 to 9-126, 9-127 to 9-132 and of section 22-3111 occurring prior to the enactment of these amendments [Amendments to sections 9-118, 9-123, 9-125, 9-132 and 22-311] shall not be affected by these amendments or abated by reason thereof. The provisions of amendments to sections 9-118, 9-123, 9-125, 9-132 and 22-3111 shall be applicable to violations occurring after its enactment."

REFERENCE IN TEXT

This "Act" referred to in text has reference to sections 9-118 to 9-126, 9-127 to 9-132.

§ 9-134. Designation of employees to protect life and property outside the District—Powers of arrest—Weapons and uniforms.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(188 and 189) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a) and (b) relating to fixing penalties of bonds of employees, and prescribing by regulation the uniform and identification badge to be worn by individuals, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 9-135. Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(190) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 2.—CONSTRUCTION OF PUBLIC BUILDINGS

Sec.

9-220. Construction program for public needs in education, health, welfare, public safety, recreation and other fields authorized—Financing conditions—Loans to be advanced to Commissioners—Rate of interest—Repayment of loans—Definitions.

§ 9-201. Municipal center—Establishment.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(191) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section as provided in par. 191, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 9-220. Construction program for public needs in education, health, welfare, public safety, recreation and other fields authorized—Financing conditions—Loans to be advanced to Commissioners—Rate of interest—Repayment of loans—Definitions.

* * * * *

(b) (1) To assist in financing the cost of constructing facilities required for activities financed by the general fund of the District, the Commissioners are hereby authorized to accept loans for the District from the United States Treasury, and the Secretary of the Treasury is hereby authorized to lend to the Commissioners such sums as may hereafter be appropriated for such purpose, except that no loan made under this subsection after June 30, 1967, shall cause the amount which is required to be paid in any fiscal year out of the general fund of the District as principal and interest on the aggregate indebtedness of the District to exceed—

(A) in the case of an amount required to be paid in a fiscal year ending in 1968, 1969, or 1970, 6 per centum of the general revenue of the District which the Commissioners estimate will be credited to the general fund of the District during such fiscal year; or

(B) in the case of an amount required to be paid in a fiscal year ending after June 30, 1970, 6 per centum of the general revenue of the District credited to the general fund of the District for the fiscal year ending June 30, 1970.

(2) For purposes of paragraph (1) of this subsection, the term "general revenue of the District" means the sum of—

(A) the tax revenues of the District, including but not limited to the revenues (including penalties and interest) derived from the following taxes: (i) taxes imposed on real and tangible personal property, (ii) sales and gross receipts taxes, (iii) taxes on the incomes of individuals, corporations, and unincorporated businesses, (iv) real estate deed recordation taxes, and (v) inheritance and estate taxes;

(B) proceeds from the motor vehicle registration fees collected under section 3 of title IV of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 40-103); and

(C) the amount of the appropriation authorized by section 1 of article VI of the District of Columbia Revenue Act of 1947.

(3) The appropriation of any loan made under this subsection shall not be construed to alter or to eliminate the procedures for consultation, advice, and recommendation provided in the National Capital Planning Act of 1952 (D.C. Code, sec. 1-1001 et seq.). \$50,000,000 of the principal amount of the loans authorized to be made to the Commissioners under this subsection shall be utilized to carry out the purposes of the National Capital Transportation Act of 1965 (D.C. Code, secs. 1-1404, 1-1421-1-1426); and \$40,000,000 of the principal amount of such loans shall be utilized to carry out the purposes of the District of Columbia Public Education Act (Public Law 89-791).

(4) Any loan made under this subsection shall be in addition to any other loans heretofore or hereafter made to the Commissioners for any other purpose, and when advanced shall be deposited in the Treasury of the United States to the credit of the general fund of the District.

* * * * *

(f) Repealed. Nov. 3, 1967, Pub. L. 90-120, Title II, § 202. (As amended Nov. 3, 1967, Pub. L. 90-120, title II, § 201, 81 Stat. 339.)

REFERENCES IN TEXT

Section 1 of article VI of the District of Columbia Revenue Act of 1947, referred to in subsection (b) is set out as section 47-2501a.

The National Capital Planning Act of 1952, referred to in subsection (b), is classified to sections 1-1001 to 1-1013.

The National Capital Transportation Act of 1965 referred to in subsection (b) is set out as sections 1-1421 to 1426 and as amendments of section 1-1404.

The District of Columbia Public Education Act, is set out as sections 29-420, 31-1601 to 31-1606, 31-1621 to 31-1625 and as amendments of sections 29-415 to 29-418.

AMENDMENTS

1967—Section 201, Title II, Act Nov. 3, 1967, Pub. L. 90-120 amended subsection (b) to read as above set out. For provisions of this subsection prior to this amendment see 1967 edition of the code.

PARTIAL REPEAL

Section 202, Title II, Act Nov. 3, 1967, Pub. L. 90-120 repealed subsection (f). This subsection provided: "No loans shall be advanced pursuant to this section after June 30, 1973."

SHORT TITLE

Section 1, Act Nov. 3, 1967, Pub. L. 90-120 provided: "That this Act [amending section 47-2501a, subsection 9-220(b), repealing subsection 9-220(f) and enacting section 1-320] may be cited as the 'District of Columbia Federal Payment Authorization and Borrowing Authority Act of 1967'."

Chapter 3.—SALE OF PUBLIC LANDS

§ 9-301. Commissioners authorized to sell real estate.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(192) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to making the finding that real estate is no longer required for a public purpose, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 4.—EXCHANGE OF DISTRICT-OWNED LAND**§ 9-401. Commissioners empowered to effect exchange.**
TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(193) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 5.—REPAIRS AND IMPROVEMENTS**§ 9-501. Repairs and improvements—Working fund.****CONTINUATION OF 1960 ACT**

Section 15 of the District of Columbia Appropriations Act of Nov. 13, 1967, Pub. L. 90-134, 81 Stat. 441, provided in part:

“Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be continued for the fiscal year 1968.”

TITLE 10.—WEIGHTS, MEASURES, AND MARKETS

Chapter 1.—WEIGHTS, MEASURES, AND MARKETS

§ 10-103. Director to have exclusive powers—Weighing and measuring devices to be examined—Condemnation of devices not conforming to standards—Unapproved weighing and measuring devices not to be possessed or used—Director not required to approve devices belonging to United States.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(194) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in relation to prescribing the manner of approving and sealing, stamping, or marking devices or appliances, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 10-117. Packages of food to be marked with weight, measure, or count—Commissioners may authorize variation, tolerances, and exemptions as to small packages.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(195) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 10-118. Cord of wood—Standard—Commissioners to fix standard load of certain split wood.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(196) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 10-127. Commissioners may establish tolerances and specifications.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(197) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Co-

lumbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 10-128. Weighmasters—Public scales—Fees.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(198) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to granting of licenses and fixing fees, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 10-130. Enactment and enforcement of rules and regulations—Supervision of produce and other markets—Investigations and reports.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(199) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section regarding regulations for the control, regulation, and supervision of markets, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 10-135. Jurisdiction over fish wharf and market—Leases, rentals, fees—Regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(200) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section regarding regulations for the control, regulation, and operation of the municipal fish wharf and market, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 10-137. Farmers' produce market—Regulations—Charges.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(201) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

PART II

JUDICIARY AND JUDICIAL PROCEDURE

TITLE 11. ORGANIZATION AND JURISDICTION OF THE COURTS.

TITLE 12. RIGHT TO REMEDY.

TITLE 13. PROCEDURE GENERALLY.

TITLE 14. PROOF.

TITLE 15. JUDGMENTS AND EXECUTIONS—FEES AND COSTS.

TITLE 16. PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS.

TITLE 17. REVIEW.

TITLE 11.—ORGANIZATION AND JURISDICTION OF THE COURTS

Chapter 3.—UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUBCHAPTER II.—JURISDICTION

§ 11-321. Appellate jurisdiction

NOTES TO DECISIONS

Review of judgments of Small Claims Court

That judgments rendered in the Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions are for small sums should not bar appellate review when plain legal error has been committed. *A. Willis v. Retail Adjustment Bureau, Inc. etc.* (1967, 384 F. 2d 312, — U.S. App. D.C. —).

Review of order denying leave to appeal

The United States Court of Appeals for the District of Columbia Circuit has jurisdiction to review the action of the District of Columbia Court of Appeals in refusing to allow an appeal to that court from judgment of Small Claims and Conciliation Branch of District of Columbia Court of General Sessions for unpaid rent, in view of the apparent error in the judgment for rent. *A Willis v. Retail Adjustment Bureau, Inc. etc.* (1967, 384 F. 2d 312, — U.S. App. D.C. —).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 17-104.

SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

§ 11-341. Distribution of reports; sale

SIMILAR PROVISIONS

Provisions similar to those of subsection (b) of this section are contained in the following Judiciary Appropriation Act:

1967—Nov. 8, 1967, Pub. L. 90-133, Title IV, § 403, 81 Stat. 133.

Chapter 5.—UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

SUBCHAPTER II.—JURISDICTION

§ 11-523. Concurrent jurisdiction of desertion and non-support cases

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11-1586.

Chapter 7.—DISTRICT OF COLUMBIA COURT OF APPEALS

SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

Sec.

11-705. Assignment of judges; divisions; hearings.

AMENDMENT

1967—Item 11-705 was added to the table of sections by Act Dec. 8, 1967, Pub. L. 90-178, sec. 1(3) (B).

SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

§ 11-702. Composition; appointment, qualifications, tenure, salaries, and oath of judges; removal

(a) The District of Columbia Court of Appeals shall consist of a chief judge and five associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.

* * * * *

(As amended Dec. 8, 1967, Pub. L. 90-178, § 1(1), 81 Stat. 544.)

AMENDMENT

1967—Section 1(1), Act Dec. 8, 1967, Pub. L. 90-178, amended subsection (a) by striking out "two" and inserting in lieu thereof "five", thus increasing the number of associate judges to five.

§ 11-703. Absence, disability, or disqualification of judges; vacancies; quorum

* * * * *

(c) Two judges shall constitute a quorum of a division of the court, and four judges shall constitute a quorum of the court sitting in banc. (As amended Dec. 8, 1967, Pub. L. 90-178, § 1(2), 81 Stat. 544.)

AMENDMENT

1967—Section 1(2), Act Dec. 8, 1967, Pub. L. 90-178, amended subsection (c) to read as above set out. Before this amendment the subsection read: "(c) Two judges of the court constitute a quorum."

§ 11-705. Assignment of judges; divisions; hearings

(a) Judges of the court shall sit on the court and its divisions in such order and at such times as the court directs.

(b) (1) Cases and controversies shall be heard and determined by divisions of the court unless a hearing or rehearing before the court in banc is ordered. Each division of the court shall consist of three judges.

(2) A hearing before the court in banc may be ordered by a majority of the judges of the court in regular active service. The court in banc for a hearing shall consist of the judges of the court in regular active service.

(3) A rehearing before the court in banc may be ordered by a majority of the judges of the court in regular active service. The court in banc for a rehearing shall consist of the judges of the court in regular active service, except that a retired judge may sit as a judge of the court in banc in the rehearing of a case or controversy if he sat on the court or a division of the court at the original hearing thereof. (Dec. 8, 1967, Pub. L. 90-178, § 1(3) (A), 81 Stat. 545.)

AMENDMENT

1967—Section was added by section 1(3) (A) of Act Dec. 8, 1967, Pub. L. 90-178.

SUBCHAPTER III.—JURISDICTION

§ 11-741. Orders and judgments of Court of General Sessions and Juvenile Court

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-767) is referred to in section 30-306.

NOTES TO DECISIONS

Juvenile Court appeals

Determinations of the Juvenile Court are not immune from overview as Congress has provided for appeals to the District of Columbia Court of Appeals. *E. Creek, Jr. v. W. J. Stone* (1967, 379 F. 2d 106, — U.S. App. D.C. —).

Review of judgments of Small Claims Court

That judgments rendered in the Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions are for small sums should not bar appellate review when plain legal error has been committed. *A. Willis v. Retail Adjustment Bureau, Inc., etc.* (1967, 384 F. 2d 312, — U.S. App. D.C. —).

Review of order denying leave to appeal

The United States Court of Appeals for the District of Columbia Circuit has jurisdiction to review the action of the District of Columbia Court of Appeals in refusing to allow an appeal to that court from judgment of Small Claims and Conciliation Branch of District of Columbia Court of General Sessions for unpaid rent, in view of the apparent error in the judgment for rent. *A. Willis v. Retail Adjustment Bureau, Inc., etc.* (1967, 384 F. 2d 312, — U.S. App. D.C. —).

Chapter 9.—DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

§§ 11-901, 11-902

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-752, 11-753) are referred to in section 30-306.

SUBCHAPTER II.—COURT OFFICERS AND EMPLOYEES

§ 11-931. Clerk; compensation; general duties

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-713, 11-714) is referred to in sections 45-909, 45-910, 45-914.

§ 11-932. Deputy clerks and other employees; compensation; supervision; process; powers

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-711) is referred to in sections 45-909, 45-910, 45-914.

SUBCHAPTER III.—JURISDICTION

§ 11-961. Civil jurisdiction

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-703, 11-704) is referred to in sections 16-3904, 45-909, 45-910, 45-914.

§ 11-962. Transfer of civil actions to Court of General Sessions

NOTES TO DECISIONS

Amendment of pleadings

Granting of leave to amend pleading is a matter within the sound discretion of the trial judge and only an abuse of that discretion is reviewable on appeal. *W. Saddler et ano. v. Safeway Stores Inc.* (D.C. App. 1967, 227 A. 2d 394).

In action by plaintiffs seeking \$5,000 for loss of consortium and \$10,000 for personal injuries sustained when a shelf containing canned goods fell on a plaintiff while she was shopping in defendant's store, refusing to permit plaintiffs to amend their pleading by increasing the ad damnum clause to \$125,000 on ground that evidence regarding loss of earnings was weak did not constitute abuse of discretion. *Id.*

SUBCHAPTER IV.—MISCELLANEOUS PROVISIONS

§ 11-981. Power of judges to issue warrants returnable to Criminal Division; record

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-705) is referred to in sections 45-909, 45-910, 45-914.

§ 11-982. Compelling attendance of witnesses; contempt powers; subpoenas

NOTES TO DECISIONS

Contempt

Court in criminal trial had power to punish defense counsel for contempt for violation of instructions. *In the Matter of A. L. Benton* (D.C. App. 1967, 228 A. 2d 324).

To adjudge counsel guilty of contempt for disobedience of order or direction of trial court, order must be clear and unambiguous. *Id.*

Trial court's instruction to defense counsel not to bring up "any prior criminal record" was fatally ambiguous in that it might or might not proscribe bringing up lack of any prior criminal record and in absence of record indicating willful and knowing violation of instructions in counsel's referring to lack of any prior criminal record, contempt conviction could not stand. *Id.*

§§ 11-983 to 11-985

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-710, 11-710a, 11-710b, 11-710c, 11-712) are referred to in sections 45-909, 45-910, 45-914.

Chapter 11.—DOMESTIC RELATIONS BRANCH OF COURT OF GENERAL SESSIONS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 16-1312.

SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

§§ 11-1101, 11-1102

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-758, 11-759, 11-760) are referred to in section 30-306.

§ 11-1103. Sessions

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-768) is referred to in sections 11-904, 30-306.

SUBCHAPTER II.—OFFICERS AND EMPLOYEES

§§ 11-1121, 11-1122

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-761, 11-764) are referred to in section 30-306.

SUBCHAPTER III.—JURISDICTION

§ 11-1141. Exclusive jurisdiction

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-762, 11-769, 16-416) is referred to in sections 11-961, 30-306.

NOTES TO DECISIONS

Abuse of discretion

Division of real property, in an action by husband for absolute divorce on ground of voluntary separation, awarding $\frac{5}{8}$ interest to the husband who, after 1962, made majority of payments on house, and $\frac{3}{8}$ interest to the wife, who had arbitrarily appropriated jointly owned personalty, was not an abuse of discretion. *D. B. Stanley v. C. L. Stanley* (D.C. App. 1967, 234 A. 2d 810).

Basis for adjudication of property rights

Specific finding of constructive desertion was unwarranted and unnecessary to determination of an equitable division of jointly owned real property in action by husband for absolute divorce on the ground of voluntary separation, notwithstanding the fact that wife had previously obtained limited divorce on ground of cruelty and allegedly had been forced to move from parties' home because of refusal of husband to do so. *D. B. Stanley v. C. L. Stanley* (D.C. App. 1967, 234 A. 2d 810).

Issue of jointly owned personalty was properly considered, in action by husband for absolute divorce on the ground of voluntary separation, in making a division of real property, notwithstanding the fact that husband, in wife's prior action for limited divorce, failed to question wife's right to personalty taken by her at the time she left parties' home. *Id.*

Jurisdiction

Former wife's action for specific performance or damages for former husband's alleged failure to abide by terms of separation agreement providing for maintenance and support of wife was within exclusive jurisdiction of Domestic Relations Branch of District of Columbia Court of General Sessions. *F. C. Den v. A. A. J. Den* (1967, 375 F. 2d 328, — U.S. App. D.C. —).

Congress intended that domestic relations matters be consolidated in single forum. *Id.*

Powers

If divorced wife was entitled to relief in her suit for specific performance or damages for former husband's alleged failure to abide by terms of separation agreement providing for maintenance and support of wife, it would be within power of Domestic Relations Branch of District of Columbia Court of General Sessions to grant it, whether it was equitable or legal in nature. *F. C. Den v. A. A. J. Den* (1967, 375 F. 2d 328, — U.S. App. D.C. —).

Transfer to domestic relations branch after appeal

Where appeal was taken from district court's entry of summary judgment for defendant in suit for specific performance or damages based on alleged failure of defendant to abide by terms of separation agreement and Court of Appeals determined that action was within exclusive jurisdiction of Domestic Relations Branch of District of Columbia Court of General Sessions, interests of justice would best be served by remanding case to District Court with directions to vacate its order and transfer action to the Domestic Relations Branch. *F. C. Den v. A. A. J. Den* (1967, 375 F. 2d 328, — U.S. App. D.C. —).

"Wife" defined

Although plaintiff suing for specific performance or damages for defendant's alleged failure to abide by terms of separation agreement was no longer married to defendant, she was a "wife" for purposes of statute providing that Domestic Relations Branch of District of Columbia Court of General Sessions has exclusive jurisdiction of civil action to enforce support of wife. *F. C. Den v. A. A. J. Den* (1967, 375 F. 2d 328, — U.S. App. D.C. —).

SUBCHAPTER IV.—MISCELLANEOUS PROVISIONS

§ 11-1161. Powers of Branch

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-763) is referred to in section 30-306.

NOTES TO DECISIONS

Jurisdiction

Former wife's action for specific performance or damages for former husband's alleged failure to abide by terms of separation agreement providing for maintenance and support of wife was within exclusive jurisdiction of Domestic Relations Branch of District of Columbia Court of General Sessions. *F.C. Den v. A. A. J. Den* (1967, 375 F. 2d 328, — U.S. App. D.C. —).

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Transfer to domestic relations branch after appeal

Where appeal was taken from district court's entry of summary judgment for defendant in suit for specific performance or damages based on alleged failure of defendant to abide by terms of separation agreement and Court of Appeals determined that action was within exclusive jurisdiction of Domestic Relations Branch of District of Columbia Court of General Sessions, interests of justice would best be served by remanding case to District Court with directions to vacate its order and transfer action to the Domestic Relations Branch. *F. C. Den v. A. A. J. Den* (1967, 375 F. 2d 328, — U.S. App. D.C. —).

"Wife" defined

Although plaintiff suing for specific performance or damages for defendant's alleged failure to abide by terms of separation agreement was no longer married to defendant, she was a "wife" for purposes of statute providing that Domestic Relations Branch of District of Columbia Court of General Sessions has exclusive jurisdiction of civil action to enforce support of wife. *F. C. Den v. A. A. J. Den* (1967, 375 F. 2d 328, — U.S. App. D.C. —).

Chapter 13.—SMALL CLAIMS AND CONCILIATION BRANCH OF COURT OF GENERAL SESSIONS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 16-3901.

SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

§ 11-1303. Sessions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11-904.

SUBCHAPTER III.—JURISDICTION

§ 11-1341. Exclusive jurisdiction of small claims; limitations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-3904.

Chapter 15.—JUVENILE COURT OF THE DISTRICT OF COLUMBIA

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 13-101, 16-2306.

SUBCHAPTER II.—COURT OFFICERS AND EMPLOYEES

§ 11-1525. Other court employees

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11-1586.

SUBCHAPTER III.—JURISDICTION

§ 11-1551. Jurisdiction of children and minors; retention

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-522, 11-1554, 11-1583, 16-2302, 16-2308, 16-2314, 16-2316.

NOTES TO DECISIONS

Beyond control

Court deemed it inappropriate to construe "beyond control" section of Juvenile Court Act until it was certain that section was the only basis upon which juvenile court acted. *In the Matter of J. G. Elmore* (1967, 382 F. 2d 125, — U.S. App. D.C. —).

Congressional objective

Congressional objective in passing Juvenile Court Act providing that when child is removed from his own family, court shall secure for him custody, care and discipline as nearly possible equivalent to that which should have been given him by his parents, comprehends psychiatric care in appropriate cases. *E. Creek Jr. v. W. J. Stone* (1967, 379 F. 2d 106, — U.S. App. D.C. —).

Construction

Juvenile court legislation rests, in various aspects, on premise that state is acting as *parens patriae*, that it is undertaking in effect to provide for child the kind of environment he should have been receiving at home, and that it is because of this that appropriate officials, while subject to requirement that juvenile proceedings must not be arbitrary or unfair, are permitted to take and retain custody of child without affording him all various procedural rights available to adults suspected of crime. *In E. Creek Jr. v. W. J. Stone* (1967, 379 F. 2d 106, — U.S. App. D.C. —).

Due process

In proceeding against juvenile for violation of law, ordinance or regulation, constitutional concept of due process must be observed. *In the Matter of K. L. Wylie* (D.C. App. 1967, 231 A. 2d 81).

Guilt beyond reasonable doubt

Proof of guilt beyond reasonable doubt is unnecessary and improper in juvenile court proceeding. *In the Matter of K. L. Wylie* (D.C. App. 1967, 231 A. 2d 81).

Petition—Sufficiency of

Petition in juvenile court which alleged that accused struck victim in eye, then grabbed him and asked him for his money, was subject to interpretation that charge against alleged delinquent was robbery, or attempted robbery, or assault, or all three and was too vague and indefinite to apprise juvenile of charges against him. *In the Matter of K. L. Wylie* (D.C. App. 1967, 231 A. 2d 81).

Rulings to be applied prospectively

Rulings that juvenile charged with offense is entitled to notice of specific issues, specific instructions on such issues, and disapproval of use of verdict of "involved" applies prospectively only. *In the Matter of K. L. Wylie* (D.C. App. 1967, 231 A. 2d 81).

Special interrogatories

If use of verdict of guilty or not guilty is inadvisable, juvenile court may use special interrogatories in cases involving offenses by juveniles. *In the Matter of K. L. Wylie* (D.C. App. 1967, 231 A. 2d 81).

§ 11-1552. Transfer from other courts

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-2316.

NOTES TO DECISIONS

Remand to juvenile court after conviction

Conviction of minor remanded with instructions that District Court remand to Juvenile Court for hearing *de novo* and determination on waiver issue, consistent with standards set forth by Supreme Court; should decision of Juvenile Court be against waiver, indictment should be dismissed, but should waiver be found appropriate, District Court should follow prescribed procedure for trial of minor defendant. *J. L. Watkins v. United States* (1966, 373 F. 2d 681, — U.S. App. D.C. —, see also 119 U.S. App. D.C. 409).

§ 11-1553. Waiver of jurisdiction in case of felony and transfer of case

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-2308, 16-2316.

§ 11-1554. Jurisdiction of persons 18 years of age or over

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1583, 16-2314, 16-2316.

§ 11-1555. Jurisdiction of paternity proceedings

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1583, 16-2314, 16-2342, 16-2356.

§ 11-1556. Concurrent jurisdiction of desertion and nonsupport cases

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1583, 11-1586, 16-2314, 16-2381.

§ 11-1557. Construction of chapter with respect to other jurisdiction

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1583, 16-2314.

SUBCHAPTER IV.—MISCELLANEOUS PROVISIONS

§ 11-1583. Duties of Corporation Counsel

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1586, 16-2316, 16-2341, 16-2356.

§ 11-1584. Assistance and co-operation of officers, departments, institutions, and others

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-2316.

NOTES TO DECISIONS

Jurisdiction

Juvenile Court has jurisdiction to enter order concerning child in its custody *pendente lite*, pending the disposition on the merits. *E. Creek, Jr. v. W. J. Stone* (1967, 379 F. 2d 106, — U.S. App. D.C. —).

Jurisdiction of the Juvenile Court is comprehensive and is to be taken as attaching at the earliest stage necessary to implement the broad rehabilitative purposes of the law. *Id.*

§ 11-1586. Records; limited inspection; penalties for unlawful disclosure or use

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-2316, 16-2356.

NOTES TO DECISIONS

Remand to juvenile court after conviction

Conviction of minor remanded with instructions that District Court remand to Juvenile Court for hearing *de novo* and determination on waiver issue, con-

sistent with standards set forth by Supreme Court; should decision of Juvenile Court be against waiver, indictment should be dismissed, but should waiver be found appropriate, District Court should follow prescribed procedure for trial of minor defendant. *J. L. Watkins v. United States* (1966, 373 F. 2d 681, — U.S. App. D.C. —).

Chapter 21.—ATTORNEYS

§§ 11-2102, 11-2104

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 11-2105.

Chapter 23.—JURORS AND JURY COMMISSIONERS

§ 11-2301. Qualifications of jurors

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-716, 11-716a) is referred to in sections 16-1312, 45-909, 45-910, 45-914.

§ 11-2304. Record of names; jury box; custody

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11-2305.

§ 11-2306. Manner of drawing

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-716, 11-716a) is referred to in section 11-2311, 45-909, 45-910, 45-914.

NOTES TO DECISIONS

Drawing of additional jurors

That names of additional prospective jurors were not drawn ten days prior to term was not prejudicial to defendant. *United States v. R. G. Baker* (1967, 266 F. Supp. 461).

Qualifications

Before granting new trial on ground that prospective juror failed to disclose material fact during examination as to his qualifications, it must be shown to court's satisfaction that juror deliberately attempted to deceive court by intentionally concealing facts reasonably called for by question and that defendant was prejudiced thereby. *United States v. R. G. Baker* (1967, 266 F. Supp. 461).

Where prospective juror who was lieutenant in reserve of metropolitan police for District of Columbia previously had been told by a judge that he was not a police officer, and was not at time of voir dire questioning a special police officer and he was not paid by the District, his failure to respond to questions as to whether he was connected with police department of District, a special police officer, or employee of District was not basis for new trial, in absence of showing of prejudice to defendant. *Id.*

Systematic exclusion of class or group

Defendant failed to demonstrate that any specific class or group had been systematically excluded by jury commissioners or that there had been any exclusion at all of persons qualified to act as jurors, in proceeding wherein defendant contended he was entitled to new trial on basis that court had erred when it denied his motion to strike jury panel. *United States v. R. G. Baker* (1967, 266 F. Supp. 461).

§ 11-2309. Filling vacancies; deficiencies in panel

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-716, 11-716b) is referred to in sections 45-909, 45-910, 45-914.

NOTES TO DECISIONS

Drawing of additional jurors

That names of additional prospective jurors were not drawn ten days prior to term was not prejudicial to defendant. *United States v. R. G. Baker* (1967, 266 F. Supp. 461).

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§§ 11-2311 to 11-2314

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-716, 11-716a, 11-716b, 11-721) are referred to in sections 45-909, 45-910, 45-914.

TITLE 12.—RIGHT TO REMEDY

Chapter 1.—ABATEMENT AND REVIVOR

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 16-2104.

§ 12-101. Survival of rights of action

NOTES TO DECISIONS

Applicability of Federal rules

Substitution of parties in civil actions in courts of District of Columbia is governed by Federal Rules of Civil Procedure. *L. D. Roscoe v. J. A. Roscoe* (1967, 379 F. 2d 94, — U.S. App. D.C. —).

Chapter 3.—LIMITATION OF ACTIONS

§ 12-301. Limitation of time for bringing actions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12-308.

NOTES TO DECISIONS

Malpractice

The court did not see any good reason for drawing a distinction between malpractice suits and other negligence

cases and concluded that impounding of the boats might have been found to be an injury that resulted from appellees' erroneous advice and the three year statute of limitations applied. *Fort Myers Seafood Packers, Inc. v. Steptoe and Johnson et al.* (1967, 381 F. 2d 261, — U.S. App. D.C. —).

§§ 12-302, 12-305, 12-307

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 12-308.

§ 12-309. Actions against District of Columbia for unliquidated damages; time for notice

NOTES TO DECISIONS

Written notice

Requirement of District of Columbia statute of written notice of claim for injury, providing that police report is sufficient, was satisfied where detective immediately and thoroughly investigated accident and promptly made detailed official report. *S. A. Thomas as the administrator etc., and J. F. Wynn, Jr. v. Potomac Electric Power Company and Dist. of Col.* (1967, 266 F. Supp. 687).

TITLE 13.—PROCEDURE GENERALLY

Chapter 1.—RULES OF PROCEDURE

§ 13-101. Prescription of rules by courts

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-766, 16-416) is referred to in sections 16-3901, 16-3910, 30-306.

Chapter 3.—PROCESS AND PARTIES

SUBCHAPTER I.—GENERAL PROVISIONS

§ 13-301. Courts to which applicable

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-765) is referred to in section 30-306.

§ 13-302. Service by marshal

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-748, 11-765) is referred to in sections 30-306, 45-909, 45-910, 45-914.

SUBCHAPTER II.—SERVICE OF PROCESS; LEGAL REPRESENTATIVES

§ 13-332. Service on infants; appointment and compensation of guardian and attorney

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 13-340.

§ 13-336. Service by publication on nonresidents, absent defendants, and unknown heirs or devisees

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13-335, 13-337.

§ 13-340. Manner of publication; mailing of copy; default; appointment and compensation of guardian and attorney

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-3706, 16-3735.

§ 13-341. Service by publication on persons unknown to be living or dead and on unknown heirs and devisees

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-3301.

Chapter 7.—TRIAL

§ 13-702. Jury trials in civil cases in Court of General Sessions

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-715) is referred to in sections 45-909, 45-910, 45-914.

TITLE 14.—PROOF

Chapter 1.—EVIDENCE GENERALLY; DEPOSITIONS

§ 14-102. Impeachment of own witness; surprise

NOTES TO DECISIONS

Discretion of Court

Permitting prosecutor to read statements of government witnesses in their entirety to jury in course of his use of them for impeachment purposes pursuant to claim of surprise was not abuse of discretion. *J. S. Coleman v. United States* (1966, 371 F. 2d 343, 125 U.S. App. D.C. 246).

Failure, sua sponte, to immediately caution jury as to limited purpose for which statements of government witnesses used for impeachment purposes pursuant to claim of surprise were being received was not abuse of discretion. *Id.*

Wide latitude in discretion of judge is to be allowed in examination of a recalcitrant witness. *L. O. Troublefield v. United States* (1967, 372 F. 2d 912, 125 U.S. App. D.C. 339).

Foundation for impeachment

When a party is taken by surprise by the evidence of his witness, the latter may be interrogated as to inconsistent statements previously made by him for purpose of refreshing his recollection and inducing him to correct his testimony, and party so surprised may also show the facts to be otherwise than as stated, although this incidentally tends to discredit the witness. *L. O. Troublefield v. United States* (1967, 372 F. 2d 912, 125 U.S. App. D.C. 339).

Before actual proof of inconsistent statements may be given by party surprised by testimony of his own witness, witness must be confronted with circumstances of the earlier statement, and he must be asked whether or not he made such statement and be given opportunity to explain. *Id.*

Where prosecution witness admitted presence when shooting occurred but denied that he had seen the shooting and swore that he did not know who had done the shooting, and at bench conference the prosecutor presented to trial judge a statement signed by witness inconsistent with such testimony, and witness admitted his signature to statement but swore that he had never seen the paper before, court properly ruled that foundation for surprise had been laid and prosecutor had right to put questions as to inconsistent statement. *Id.*

Surprise

Statute permitting impeachment of witnesses pursuant to claim of surprise contemplates ruling by trial court which comprehends, in addition to finding of surprise, immediate representation to jury as to purpose for which impeaching statements are being permitted to come in. *J. S. Coleman v. United States* (1966, 371 F. 2d 343, 125 U.S. App. D.C. 246).

§ 14-104. Testimony of nonresident witnesses for use in Court of General Sessions

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-741) is referred to in sections 45-909, 45-910, 45-914.

Chapter 3.—COMPETENCY OF WITNESSES

§ 14-305. Conviction of crime

NOTES TO DECISIONS

Evidence of prior conviction

Allowing government to question defendant accused of petit larceny as to his former larceny convictions did not constitute an abuse of discretion in view of fact that trial judge fully instructed jury that they were to consider such evidence only in connection with their evaluation of credence to be given defendant's testimony and

that prior convictions were in no way evidence of defendant's guilt of present charge. *F. Ginyard v. United States* (D.C. App. 1967, 232 A. 2d 590).

Impeachment

In exercise of trial judge's discretion in determining whether to allow impeachment of defendant by prior conviction when defendant takes stand in his own defense, the standard is whether trial judge believes the prejudicial effect of impeachment far outweighs the probative relevance of the prior conviction to the issue of credibility. *M. W. Gordon v. United States* (1967, 383 F. 2d 936, — U.S. App. D.C. —).

Defendant who takes the stand in his own behalf has burden of persuasion that the trial court should exclude evidence of defendant's prior conviction. *Id.*

To bar impeachment of defendant by prior conviction when defendant takes stand in his own defense, trial court must find that the prejudice far outweighs the probative relevance to credibility or that, even if relevant, the cause of truth would be helped more by letting the jury hear the defendant's story than by the defendant's foregoing that opportunity because of the fear of prejudice founded upon a prior conviction. *Id.*

When issue of whether defendant's prior convictions should not be admitted for impeachment purposes is raised, trial court should make an inquiry, allowing the defendant an opportunity to show why judicial discretion should be exercised in favor of exclusion of criminal record. *Id.*

Legitimate purpose of impeachment is not to show that the accused who takes the stand is a "bad" person but rather to show background facts which bear directly on whether jurors ought to believe him rather than other and conflicting witnesses. *Id.*

The reason for exposing defendant's prior criminal record is to attack his character and to call into question his reliability for truth telling. *Id.*

Convictions which rest on dishonest conduct relate to credibility of witness while those of violent or assaultive crimes generally do not. *Id.*

Traffic violations, however serious, generally do not relate to credibility. *Id.*

Prior conviction, even one involving fraud or stealing, if it occurred long before and has been followed by legally blameless life, should generally be excluded for impeachment purposes on ground of remoteness. *Id.*

Generally, those convictions which are for the same crime should be admitted sparingly for purpose of impeachment of defendant, with possible solution being that discretion be exercised to limit impeachment by way of a similar crime to a single conviction and then only when circumstances indicate strong reasons for disclosure, and where the conviction directly relates to veracity. *Id.*

In nonjury hearing during criminal trial for purpose of determination of whether defendant's prior convictions should be admitted for impeachment purposes, defendant could not be compelled to give testimony and such testimony as given would not be admissible in evidence except for impeachment. *Id.*

Trial court did not abuse its discretion in robbery and assault with a dangerous weapon prosecution by permitting the government to impeach defendant's testimony by showing prior conviction. *Id.*

Chapter 7.—ABSENCE FOR SEVEN YEARS

§ 14-701. Presumption of death

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14-702, 20-2315.

§ 14-702. Person presumed dead found living

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-2315.

TITLE 15.—JUDGMENTS AND EXECUTIONS; FEES AND COSTS

Chapter 1.—JUDGMENTS AND DECREES

SUBCHAPTER I.—GENERALLY

§ 15-102. Lien of judgment, decree, or forfeited recognition

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 15-103) is referred to in section 45-708.

SUBCHAPTER II.—COURT OF GENERAL SESSIONS

§ 15-131. Judgments and executions generally; interest

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-718, 11-724) is referred to in sections 45-909, 45-910, 45-914.

§ 15-132. Enforceable period of unrecorded judgments; enforcement of judgments, etc., of the District of Columbia Court of General Sessions

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-718, 11-743, 11-763) is referred to in sections 15-706, 16-578, 30-306, 45-909, 45-910, 45-914.

§ 15-133. Satisfaction of judgment; recordation

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-742) is referred to in sections 45-909, 45-910, 45-914.

Chapter 3.—ENFORCEMENT OF JUDGMENTS AND DECREES

§ 15-302. Period during which writ of execution may issue; returnable period

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 15-301, 15-303.

§§ 15-303 to 15-318

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 15-301.

Chapter 5.—EXEMPTIONS AND TRIAL OF RIGHT TO SEIZED PROPERTY

SUBCHAPTER I.—EXEMPTIONS

§§ 15-501 to 15-503

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 20-706.

SUBCHAPTER II.—TRIAL OF RIGHT TO PROPERTY SEIZED ON PROCESS OF COURT OF GENERAL SESSIONS

§ 15-521. Notice of claim or exemption, trial

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-744) is referred to in sections 15-522, 15-523, 45-909, 45-910, 45-914.

§§ 15-522 to 15-524

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-745, 11-746, 11-747) are referred to in sections 45-909, 45-910, 45-914.

Chapter 7.—FEES AND COSTS

§ 15-702. Docket fees of attorneys and proctors

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 15-709.

§ 15-703. Deposit for costs; security for costs by non-residents

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 15-711.

§ 15-706. Clerk's fees in United States District Court for the District of Columbia

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 15-704, 15-707.

§ 15-709. Fees and costs in Court of General Sessions in civil and criminal cases

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-722, 11-748) is referred to in sections 15-713, 16-703, 45-909, 45-910, 45-914.

§ 15-710. Fees and costs in Domestic Relations Branch of Court of General Sessions

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-748e, 11-766) is referred to in sections 30-306, 45-909, 45-910, 45-914.

§§ 15-711 to 15-713

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-719, 11-720, 11-722a, 11-749) are referred to in sections 45-909, 45-910, 45-914.

§ 15-714. Witness fees for attendance in Court of General Sessions

(a) The fees and travel allowances to be paid any witness attending in a criminal case in the District of Columbia Court of General Sessions shall be the same as those paid to witnesses who attend before the United States District Court for the District of Columbia.

* * * * *

(As amended Dec. 27, 1967, Pub. L. 90-226, § 803(a), title VIII, 81 Stat. 742.)

AMENDMENT

1967—Section 803(a) amended subsection (a) to read as above set out. For provisions of this subsection prior to this amendment see main edition of the code.

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act [Pub. L. 90-226], commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025], shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided: If any provision of or any amendment made by this

Act [Pub. L. 90-226; for amendments made by this Act, see enumeration in note above, under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

§ 15-716. Advances to Court of General Sessions clerk for witness fees

The Board of Commissioners or its authorized representative may advance to the clerk of the District of Columbia Court of General Sessions upon requisition previously approved by the Board of Commissioners or its authorized representative, sums of money to be used for the payment of witness fees. (Dec. 23, 1963, 77 Stat. 536, Pub. L. 88-241, § 1, eff. Jan. 1, 1964; Dec. 27, 1967, Pub. L. 90-226, § 803(b), title VIII, 81 Stat. 742.)

AMENDMENT

1967—Section 803(b), Act Dec. 27, 1967, Pub. L. 90-226, amended section by striking out "not exceeding \$500 at any one time,".

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act [Pub. L. 90-226], commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025], shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

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TITLE 16.—PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS

Chapter 3.—ADOPTION

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 11-1161.

§ 16-301. Jurisdiction; rules

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 16-210) is referred to in section 30-306.

§ 16-307. Investigation, report, and recommendation

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-309.

§ 16-308. Investigations when prospective adoptee is adult or petitioner is spouse of natural parent

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-307.

Chapter 5.—ATTACHMENT AND GARNISHMENT

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 15-320, 15-503.

SUBCHAPTER I.—ATTACHMENT AND GARNISHMENT GENERALLY

§ 16-501. Attachment before judgment; affidavit and bond

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-502, 16-503, 16-505, 16-512.

§ 16-502. Service of notice; publication

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-508, 16-511.

§ 16-506. Traversing affidavits; quashing writ of attachment; trial of issues

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-529.

§ 16-507. Property subject to attachment; liens; priorities

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-572.

NOTES TO DECISIONS

Attachable funds or credits

Fund or credits must be actually due and ascertainable in amount in order to be subject to garnishment. *Cummings General Tire Co., etc. v. Volpe Construction Co., etc., et al.* (D.C. App. 1967, 230 A. 2d 712).

Where attachment failed because garnishee did not owe debtor any money at time of garnishment, attaching creditor could not prevail over subsequent attaching creditor who obtained attachment against the same garnishee for debt due the same debtor but at time when garnishee did owe money to debtor. *Id.*

§ 16-509. Attachment of personal property; undertaking by defendant or person in possession

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-510, 16-527.

§ 16-510. Release of property or credits from attachment; sufficiency of undertaking

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-527.

§ 16-511. Attachment of credits or partnerships interest; retention of property and credits by garnishee

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-515.

§ 16-520. Defending against the attachment; trial of issue

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-522, 16-529.

§ 16-524. Judgment generally; condemnation of attached property

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-529.

§ 16-525. Condemnation and sale of property; proceeds of sale under interlocutory order

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-524, 16-527.

§§ 16-526, 16-527

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 16-524.

§ 16-533. Attachment proceedings in Court of General Sessions

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-733) is referred to in sections 45-909, 45-910, 45-914.

SUBCHAPTER II.—ATTACHMENT AND GARNISHMENT AFTER JUDGMENT IN AID OF EXECUTION

§ 16-546. Attachment of credits

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-548.

§ 16-551. Defending against the attachment; trial of issues

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-553.

SUBCHAPTER III.—ATTACHMENT AND GARNISHMENT OF WAGES, ETC.

§ 16-571. Definition

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-512, 16-582.

§ 16-572. Attachment of wages; percentage limitations; priority of attachments

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-577.

Chapter 7.—CRIMINAL PROCEEDINGS IN THE COURT OF GENERAL SESSIONS

§§ 16-701 to 16-703

SECTION REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-715a, 11-748a, 11-748b, 11-748c, 11-748d) are referred to in sections 45-909, 45-910, 45-914.

§ 16-704. Process of criminal division; fees

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-748a) is referred to in sections 16-708, 45-909, 45-910, 45-914.

§ 16-705. Jury trial; trial by court

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-715a, 11-716a) is referred to in sections 45-909, 45-910, 45-914.

NOTES TO DECISIONS

Right to jury trial

Length of a possible sentence is highly relevant to question whether a case should or should not be tried by a judge without a jury, and it is unfair for court which has denied a jury trial in the light of one maximum punishment to impose a sentence in the light of another. *M. Schnurman v. United States* (1967, 379 F. 2d 92, — U.S. App. D.C. —).

§ 16-706. Enforcement of judgments; commitment upon non-payment of fine

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-715a, 11-748a) is referred to in sections 45-909, 45-910, 45-914.

§ 16-707. Disposition of fines

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-748a) is referred to in sections 16-708, 45-909, 45-910, 45-914.

§§ 16-708, 16-709

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-724a, 11-748a) are referred to in sections 45-909, 45-910, 45-914.

Chapter 9.—DIVORCE, ANNULMENT, SEPARATION, SUPPORT, ETC.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 11-1161.

§ 16-910. Dissolution of property rights; jurisdiction of court

NOTES TO DECISIONS

Apportionment of jointly held property

Under this section it is clear that the court has authority to award or to apportion between the parties, locally owned realty, in such manner as was found to be equitable, just and reasonable. *E. B. Argent v. S. E. Argent* (D.C. App. 1967, 233 A. 2d 142).

Apportionment of property located outside of district

This section does not give the court authority over jointly held property in Maryland. *E. B. Argent v. S. E. Argent* (D.C. App. 1967, 233 A. 2d 142).

Effect of local divorce decree on title to property in Maryland

When divorce decree was entered here, the parties no longer held Maryland real estate as tenants by the entirety, but instead as tenants in common, by virtue of Maryland law. *E. B. Argent v. S. E. Argent* (D.C. App. 1967, 233 A. 2d 142).

§ 16-911. Alimony pendente lite; suit money; enforcement; custody of children

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-912, 16-916.

Chapter 11.—EJECTMENT AND OTHER REAL PROPERTY ACTIONS

SUBCHAPTER I.—EJECTMENT

§ 16-1109. Recovery of mesne profits and damages; separate count

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-1118.

§ 16-1116. Improvements; notice; good faith; directions to jury; measure of damages

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-1109, 16-1117, 16-1118.

§ 16-1120. Election of plaintiff if value of improvements exceed damages

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-1122.

SUBCHAPTER II.—PROCEEDINGS TO DISCOVER THE DEATH OF A TENANT FOR LIFE

§ 16-1151. Petition by person entitled to claim; form and contents

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-1152.

§ 16-1152. Order to produce life tenant; service of order

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-1153.

§ 16-1153. Failure to produce as ordered; subsequent proceedings; commissioners; presumption of death; right of possession

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-1154.

Chapter 13.—EMINENT DOMAIN

SUBCHAPTER I.—GENERAL PROVISIONS

§ 16-1301. Jurisdiction of District Court

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 16-601) is referred to in sections 29-806, 40-804.

SUBCHAPTER II.—REAL PROPERTY FOR DISTRICT OF COLUMBIA

§ 16-1311. Condemnation proceedings by Board of Commissioners

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 16-601) is referred to in sections 16-1312, 29-806, 40-804.

§ 16-1312. Jury; special list; qualifications; procedure for drawing

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 16-603) is referred to in sections 16-1313, 29-806.

§ 16-1313. Selection of jury; oath of jurors

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 16-604) is referred to in sections 29-806, 40-804.

§ 16-1314. Declaration of taking; contents; deposit; transfer of title; determination; interest

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 16-605) is referred to in sections 16-1315, 16-1316, 29-806.

§§ 16-1315, 16-1316

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 16-605) are referred to in section 29-806.

§ 16-1317. Objections to jurors; appraisal

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 16-606) is referred to in sections 16-1318, 16-1319, 29-806, 40-804.

§ 16-1318. Objections or exceptions to appraisal; new jury

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 16-607) is referred to in sections 29-806, 40-804.

§ 16-1319. Payment of award; transfer of title

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 16-608) is referred to in sections 16-1314, 29-806, 40-804.

§§ 16-1320, 16-1321

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 16-609, 16-610) are referred to in sections 29-806, 40-804.

SUBCHAPTER III.—EXCESS PROPERTY FOR DEVELOPMENT OF SEAT OF GOVERNMENT

§ 16-1332. Sale of excess property; restrictions on use; fair market value; disposition of moneys

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-333.

SUBCHAPTER IV.—REAL PROPERTY FOR UNITED STATES

§ 16-1353. Declaration of taking; contents; deposit; transfer of title; determination; interest

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-1354, 16-1355, 16-1360.

§ 16-1356. Setting date for trial

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-1357.

§ 16-1357. Drawing of jurors, and selection of jury; qualifications

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-1358, 16-1359, 16-1362.

§ 16-1358. Oath of jurors

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-1359.

§ 16-1359. Inspection of property by jury; presence of parties

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-1360.

§ 16-1361. Verdict

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-1362, 16-1363.

Chapter 15.—FORCIBLE ENTRY AND DETAINER

§ 16-1501. Definition; summons

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-735, see also tables) is referred to in sections 15-318, 16-1502, 45-909, 45-910, 45-914.

§§ 16-1502 to 16-1505

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-736, 11-737, 11-738, 11-739, see also tables) are referred to in sections 15-318, 45-909, 45-910, 45-914.

Chapter 17.—GAMING TRANSACTIONS

§ 16-1701. Invalidity of gaming contracts

REFERENCES IN TEXT

Chapters 1 to 10 of title 28 of the D.C. Code were repealed by act Dec. 30, 1963, Pub. L. 88-243. The same Pub-

lic Law enacted the Uniform Commercial Code, set out as Subtitle I, of title 28, consisting of Articles 1 to 10.

§ 16-1702. Recovery of losses at gaming

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-1703, 16-1704.

Chapter 21.—JOINT CONTRACTS

§ 16-2101. Definition of joint and several contracts

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-2102, 16-2103.

Chapter 23.—JUVENILE COURT PROCEEDINGS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 11-1526, 11-1551, 11-1553, 11-1555, 11-1583, 11-1584, 11-1586, 13-101.

SUBCHAPTER I.—JUVENILE DELINQUENCY PROCEEDINGS AND RELATED MATTERS

§ 16-2301. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11-1551.

§ 16-2302. Information regarding child; investigation; petition; contents

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1586, 16-2303.

NOTES TO DECISIONS

Opportunity to defend

Should jurisdiction be found to rest on the three alternative statutory sections, questions of fair notice and opportunity to defend would be presented. *In the Matter of J. G. Elmore* (1967, 382 F. 2d 125, — U.S. App. D.C. —).

§ 16-2303. Summons; notice; custody of child

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-2304, 16-2305.

§ 16-2304. Service of summons; time of hearing

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-2305.

§ 16-2306. Taking child into custody; release to custody of parent, guardian, custodian, or probation officer; limitation on detention

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11-1586.

NOTES TO DECISIONS

Appropriate detention arrangement

Although receiving home was only place of detention provided by commissioners for those awaiting disposition in Juvenile Court, if a psychiatric condition was seriously endangering health or perhaps life of juvenile, there would be jurisdiction in Juvenile Court to make an appropriate detention arrangement. *E. Creek Jr. v. W. J. Stone* (1967, 379 F. 2d 106, — U.S. App. D.C. —).

§ 16-2307. Hearing; exclusion of public; jury trial

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11-1586.

NOTES TO DECISIONS

Full investigation

Juvenile court is armed with broad statutory powers to conduct an appropriate inquiry to fashion dispositional decree tailored to meet peculiar needs of particular child when it is presented with substantial complaint concerning commitment. *In the Matter of J. G. Elmore* (1967, 382 F. 2d 125, — U.S. App. D.C. —).

Substantial complaint

Where there is an explicit finding that infant needed psychological or psychiatric care to meet his needs and there was claim that infant was receiving no treatment, there was "substantial complaint" calling for appropriate

inquiry by juvenile court. *In the Matter of J. G. Elmore* (1967, 382 F. 2d 125, — U.S. App. D.C. —).

§ 16-2308. Determination and order of the Court

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11-1586.

NOTICE TO DECISIONS

Full investigation

Juvenile court is armed with broad statutory powers to conduct an appropriate inquiry to fashion dispositional decree tailored to meet peculiar needs of particular child when it is presented with substantial complaint concerning commitment. *In the Matter of J. G. Elmore* (1967, 382 F. 2d 125, — U.S. App. D.C. —).

Substantial complaint

Where there is an explicit finding that infant needed psychological or psychiatric care to meet his needs and there was claim that infant was receiving no treatment, there was "substantial complaint" calling for appropriate inquiry. *In the Matter of J. G. Elmore* (1967, 382 F. 2d 125, — U.S. App. D.C. —).

§ 16-2309. Modification or revocation of order; petition; return of child, or other action

NOTES TO DECISIONS

Change in law after commitment

Where interpretation of Juvenile Court Act, by appellate court which imposed duty on juvenile court to make appropriate inquiry with aim of providing individualized care and treatment of infants, was made subsequent to decision committing infant to custody of department of public welfare, juvenile court should have opportunity to conduct full hearing and make its determination in light of new decision. *In the Matter of J. G. Elmore* (1967, 382 F. 2d 125, — U.S. App. D.C. —).

§ 16-2314. Applicability to adult cases; offenses and penalties; jury trial

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-2383.

§ 16-2316. Construction and purpose

NOTES TO DECISIONS

Congressional objective

Congressional objective in passing Juvenile Court Act providing that when child is removed from his own family, court shall secure for him custody, care and discipline as nearly possible equivalent to that which should have been given him by his parents, comprehends psychiatric care in appropriate cases. *E. Creek Jr. v. W. J. Stone* (1967, 379 F. 2d 106, — U.S. App. D.C. —).

Purpose stated in Juvenile Court Act to give juvenile in custody the care, as nearly as possible equivalent to that which should have been given by his parents, establishes not only an important policy objective, but, in an appropriate case, a legal right to a custody that is not inconsistent with the *parens patriae* premise of the law. *Id.*

Congressional purpose in passing Juvenile Court Act was to establish a professionally staffed, specialized court, equipped with broad powers to implement rehabilitative purposes of Act, and Juvenile Court is vested with broad range of discretion in light of its professional expertise. *Id.*

Construction

Juvenile court legislation rests, in various aspects, on premise that state is acting as *parens patriae*, that it is undertaking in effect to provide for child the kind of environment he should have been receiving at home, and that it is because of this that appropriate officials, while subject to requirement that juvenile proceedings must not be arbitrary or unfair, are permitted to take and retain custody of child without affording him all various procedural rights available to adults suspected of crime. *E. Creek Jr. v. W. J. Stone* (1967, 379 F. 2d 106, — U.S. App. D.C. —).

Jurisdiction

Juvenile Court has jurisdiction to enter order concerning child in its custody *pendente lite*, pending the

disposition on the merits. *E. Creek Jr. v. W. J. Stone* (1967, 379 F. 2d 106, — U.S. App. D.C. —).

Jurisdiction of the Juvenile Court is comprehensive and is to be taken as attaching at the earliest stage necessary to implement the broad rehabilitative purposes of the law. *Id.*

Treatment of juvenile in "interim" custody

Where claim is presented to Juvenile Court by juvenile in custody alleging a need for treatment which is not being furnished, the fact that the custody is "interim" as opposed to "final" does not end the matter, and Juvenile Court, when presented with a substantial complaint, should make appropriate inquiry to insure that statutory criteria, as applied to that particular juvenile, are being met, and the depth and scope of such inquiry will vary with the case. *E. Creek Jr. v. W. J. Stone* (1967, 379 F. 2d 106, — U.S. App. D.C. —).

SUBCHAPTER II.—PATERNITY PROCEEDINGS

§ 16-2341. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-2381.

§ 16-2344. Commencement of proceeding; complaint

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-2345.

§ 16-2345. Apprehension of accused

NOTES TO DECISIONS

Constitutionality

Constitutional guaranty of right to speedy trial in all criminal prosecutions does not apply to paternity cases. *District of Columbia v. W. D. Howie and D. Jones* (D.C. App. 1967, 230 A. 2d 715).

Dismissal because of delay

Defendants in paternity proceedings were not entitled to dismissal of proceedings because of delay due to court's congested docket where records did not disclose that either defendant objected to continuance or made demand for speedy preliminary hearing. *District of Columbia v. W. D. Howie and D. Jones* (D.C. App. 1967, 230 A. 2d 715).

Filing of complaint as tolling of statute

Filing of complaint is not sufficient to stop running of time limitation in statute regarding proceedings to establish paternity unless such filing is followed by issuance of summons without reasonable delay. *District of Columbia v. W. D. Howie and D. Jones* (D.C. App. 1967, 230 A. 2d 715).

"Forthwith", within statute providing that upon filing of complaint in paternity proceedings case should be calendared forthwith means without unreasonable delay, and does not mean immediately. *Id.*

Procedure

Procedure whereby initial appearance in court in paternity proceedings partakes of nature of arraignment and case is then continued for preliminary hearing either because parties are not prepared for hearing or court schedule will not permit it is proper. *District of Columbia v. W. D. Howie and D. Jones* (D.C. App. 1967, 230 A. 2d 715).

Unreasonable delay in issuance of summons

Delay of thirty-four days and forty days, respectively, between filing of complaint and issuance of summons was not unreasonable and therefore filing of complaints stopped running of one year statute of limitations applicable in cases where father ceases making contributions to support of child. *District of Columbia v. W. D. Howie and D. Jones* (D.C. App. 1967, 230 A. 2d 715).

Essential requirement under statute regarding establishment of paternity is that upon filing of complaint defendant be notified without unreasonable delay of pendency of charge against him and nature of the charge. *Id.*

§ 16-2349. Judgment

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-2351.

§ 16-2350. Support payments

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-461.

§ 16-2354. Reports to Director of Public Health

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11-1586.

§ 16-2355. Applicability of sections relating to desertion on nonsupport

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1586, 16-2381.

SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

§ 16-2381. Payments for support and maintenance under section 22-903 to 22-905; voluntary payments; disbursement

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1586, 16-2351.

Chapter 25.—CHANGE OF NAME

§ 16-2502. Notice; contents

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-2503.

Chapter 27.—NEGLIGENCE CAUSING DEATH

§ 16-2701. Liability; damages; prior recovery as precluding action

NOTES TO DECISIONS

Reduction of verdict

District of Columbia wrongful death act empowers trial court to act sua sponte in exercise of its sound discretion to order reduction of verdict, without time limitation, and authorizes reduction of amount of damages directly without necessity of requiring remittitur as condition to denial of new trial. *S. A. Thomas as the administrator etc., and J. F. Wynn, Jr. v. Potomac Electric Power Company and District of Columbia* (1967, 266 F. Supp. 687).

Award of \$155,000 for death of 26-year-old father of two who had recently graduated from college and was planning to work as teacher was excessive where it represented amount shown by actuarial testimony to be his probable future earnings in teaching profession, reduced to present worth, without reduction in light of vicissitudes of fortune, buffetings of fate, and uncertainties of life and health, and would be reduced to \$90,000. *Id.*

Chapter 29.—PARTITION AND ASSIGNMENT OF DOWER

SUBCHAPTER II.—ASSIGNMENT OF DOWER; PARTIES TO PARTITION PROCEEDINGS; SALE OF PROPERTY DISCHARGED FROM DOWER OR SPOUSE'S INTESTATE SHARE

§ 16-2921. Appointment of commissioners; cases of partition

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-2922.

Chapter 31.—PROBATE COURT PROCEEDINGS

§ 16-3103. Summons; failure to appear or give evidence

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-3107.

§ 16-3104. Sequestration where person fails to appear

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-3103, 16-3105 to 16-3107.

§ 16-3105. Plenary proceeding; refusal to answer as required

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-3106.

§ 16-3112. Arbitration; exceptions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-3102.

Chapter 35.—QUO WARRANTO

§ 16-3502. Parties who may institute; ex rel. proceedings

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-3503.

Chapter 37.—REPLEVIN

SUBCHAPTER I.—GENERAL PROVISIONS

§ 16-3706. Publication against defendant

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-3707.

§ 16-3708. Motion for return of property; procedure; objection to sufficiency of security

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 16-3709, 16-3738.

SUBCHAPTER II.—REPLEVIN IN COURT OF GENERAL SESSIONS

§ 16-3731. Jurisdiction; form of complaint

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-725) is referred to in sections 16-3732, 16-3733, 45-909, 45-910, 45-914.

§§ 16-3732, 16-3733

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-725) are referred to in sections 45-909, 45-910, 45-914.

§ 16-3734. Failure of officer to obtain possession

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-726) is referred to in sections 45-909, 45-910, 45-914.

§ 16-3735. Publication against defendant

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-727) is referred to in sections 16-3736, 45-909, 45-910, 45-914.

§§ 16-3736 to 16-3740

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-727, 11-729, 11-730, 11-731, 11-732) are referred to in sections 45-909, 45-910, 45-914.

Chapter 39.—SMALL CLAIMS AND CONCILIATION PROCEDURE IN COURT OF GENERAL SESSIONS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 13-101.

§ 16-3902. Commencement of action; form of statement; preparation by clerk; notice and service; costs; default; memorandum to plaintiff

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 16-3906.

TITLE 17—REVIEW

Chapter 1.—UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

§ 17-101. Appeal from District of Columbia Court of Appeals; filing, form and contents of petition

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 17-102.

Chapter 3.—DISTRICT OF COLUMBIA COURT OF APPEALS

§ 17-301. Applications for allowance of appeals from certain Court of General Sessions judgments; hearing; effect of denial

* * * * *

(b) The application provided for by subsection (a) of this section shall be filed in the District of Columbia Court of Appeals within the time limit prescribed by section 17-307(b), and shall be promptly presented by the clerk of that court to three judges thereof for their consideration. When any one of them is of the opinion that the appeal should be allowed, the appeal shall be recorded as granted, and the case set down for hearing on appeal. It shall be given a preferred status on the calendar, and heard in the same manner as other appeals in the court. When the three judges are of the opinion that the appeal should be denied, the denial shall stand as an affirmance of the judgment of the trial court, and there shall be no further appeal. (Dec. 23, 1963, 77 Stat. 613, Pub. L. 88-241, § 1, eff. Jan. 1, 1964; Dec. 8, 1967, Pub. L. 90-178, § 2, 81 Stat. 545.)

AMENDMENT

1967—Section 2, Act Dec. 8, 1967, Pub. L. 90-178, amended subsection (b) as follows:

(1) In the first sentence struck out the words, "the chief judge and the associate judges" and inserted in lieu the words, "three judges".

(2) In the fourth sentence struck out the words, "all the judges are of the opinion that an" and inserted in lieu "the three judges are of the opinion that the".

§ 17-302. Regulations of appeals; record; costs

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-767) is referred to in section 30-306.

§ 17-303. Appeals from administrative orders and de- cisions; petition; record; procedure

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 17-304, 40-302, 45-1409, 47-2101.

§ 17-304. Stay upon application for review of, or pend- ing appeal from, administrative order or decision

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-302, 45-1409, 47-2101.

§§ 17-305, 17-306

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 11-767) are referred to in sections 16-2315, 30-306, 40-302, 45-1409, 47-2101.

§ 17-307. Time for taking or applying for allowance of appeals

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 11-767) is referred to in sections 16-2315, 17-301, 17-303, 30-306, 40-302, 45-1409, 47-2101

PART III

DECEDENTS' ESTATES AND FIDUCIARY RELATIONS

TITLE 18. WILLS AND PROBATE OF WILLS.
TITLE 19. DESCENT AND DISTRIBUTION.

TITLE 20. ADMINISTRATION OF DECEDENTS' ESTATES.
TITLE 21. FIDUCIARY RELATIONS AND THE MENTALLY
ILL.

TITLE 18.—WILLS AND PROBATE OF WILLS

Chapter 1.—GENERAL PROVISIONS

§ 18-101. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-101.

§ 18-103. Execution of written will; attestation

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 18-105, 18-109.

§ 18-107. Nuncupative wills

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 18-103, 18-109.

Chapter 5.—PROBATE OF WILLS

§ 18-501. Notice of petition for probate

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 18-502, 18-504.

§ 18-502. Notice to nonresidents and unfound residents

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 18-501, 18-503, 18-504.

§ 18-503. Notice to unknown kin or heirs at law

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 18-501, 18-504.

§ 18-508. Caveat; will not to be probated while issues pending

NOTES TO DECISIONS

Party in interest

The right conferred upon nephew by will and withdrawn from him by codicil to serve as executor and receive commissions therefor did not make him a "party in interest" within District of Columbia Code provision that if a party in interest files verified caveat setting forth facts inconsistent with validity of will, the will may not be admitted to probate until the issues are determined. *P. McLain and E. McLain v. American Security and Trust Co.* (1967, 265 F. Supp. 467).

Testatrix' sister whose claim upon estate would be no different if codicil were set aside or sustained was not entitled to caveat the codicil under District of Columbia Code provision that if party in interest files verified caveat setting forth facts inconsistent with validity of will the will may not be admitted until the issues are determined. *Id.*

An estate of a decedent should not be subjected to the trouble and expense of an attack on a testamentary writing except by one who, if the attack prove successful, would have some claim upon the estate different from what he would have if the attack prove unsuccessful. *Id.*

TITLE 19.—DESCENT AND DISTRIBUTION

Chapter 1.—RIGHTS OF SURVIVING SPOUSE AND CHILDREN

§ 19-101. Family allowance; construction; penalties

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-1325, 20-1705, 20-2101.

§ 19-102. Dower; quarantine; curtesy abolished

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 18-201a) is referred to in sections 19-106, 30-201.

§ 19-112. Devise or bequest to spouse

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 19-113.

§ 19-113. Renunciation of devises and bequests; election; time limitations; renunciation or election by guardian or fiduciary; maximum rights; effect of no devise or bequest or if nothing passes under either; antenuptial or postnuptial agreements

NOTES TO DECISIONS

Claims of creditors against spendthrift trust

In a case involving the beneficiary of a spendthrift trust, the court held that the primary purpose of such a trust was to assure that the beneficiary will be provided for, independent of his own improvidence and not necessarily to immunize the income therefrom for the necessities of life. *American Security and Trust Co. v. F. Utley* (1967, 382 F. 2d 451, — U.S. App. D.C. —).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 19-114.

§ 19-114. Rights of surviving spouse if there is no renunciation

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 19-112, 19-113.

Chapter 3.—INTESTATES' ESTATES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 20-1328, 20-1901, 20-2102.

§ 19-301. Course of descents generally

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14-504, 19-114, 19-317.

§§ 19-302, 19-303

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 14-504, 19-114.

§ 19-304. When surviving spouse entitled to one-half

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 19-114.

NOTES TO DECISIONS

Federal estate tax marital deduction

Where decedent died intestate survived by her husband, two grandnephews, and six nieces, and surviving husband was entitled to one-half of estate under District of Columbia law, and such one-half qualified for federal estate tax marital deduction, share of husband was not to bear any part of federal estate tax. *In the Matter of the Estate of F. W. Collins* (1967, 269 F. Supp. 633).

§ 19-319. Advancements

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 19-307.

Chapter 7.—ESCHEAT

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 20-1328, 20-1901.

§ 19-701. Escheatment generally

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1-906, 19-305.

NOTES TO DECISIONS

Descent and distribution

On the basis of the majority rule in the District, testator's attempt to disinherit his caveator brothers and their heirs was ineffective, since he made no gift over of the forfeited estate. *J. C. Wilkes, Trustee etc. v. E. L. Freer et al.* (1967, 271 F. Supp. 602).

TITLE 20.—ADMINISTRATION OF DECEDENTS' ESTATES

Chapter 3.—EXECUTORS AND ADMINISTRATORS

SUBCHAPTER I.—EXECUTORS

§ 20-301. Letters testamentary; oath; corporations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-306.

§ 20-302. Bond of executor

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-301, 20-304.

§ 20-303. Bonds for debts only; removal of executor for waste

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-304, 20-353.

§ 20-304. Special bond of executor

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-333, 20-353, 20-701, 20-702.

SUBCHAPTER II.—ADMINISTRATORS

§ 20-332. Oath and bond of administrator

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-333.

§ 20-333. Special bond in intestacy

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-353, 20-701, 20-702.

§ 20-334. Persons entitled to administer; order of preference

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-339.

SUBCHAPTER III.—MISCELLANEOUS PROVISIONS RELATING TO EXECUTORS AND ADMINISTRATORS

§ 20-359. Accounting by representative of deceased executor or administrator; enforcement

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-1710.

Chapter 5.—COLLECTORS

§ 20-502. Oath and bond of collector; form

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-504.

§ 20-504. Duties of collector; liability; commission; additional bond requirements if real estate to be possessed

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-506.

Chapter 7.—INVENTORY OF ASSETS

§ 20-706. Exceptions to inventory

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-901.

Chapter 9.—ASSETS OF ESTATE

§ 20-903. Claims of testator against executor not discharged; disposition; liability of surety

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-904, 20-905.

§ 20-904. Failure of executor to include claims of testator against executor in inventory; remedy

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-905.

Chapter 11.—SALE OF ASSETS

§ 20-1103. Sale of real estate directed in will; procedure; failure to act

NOTES TO DECISIONS

Specific performance

Where probate judge had rejected executor's sale of realty to plaintiffs and had accepted a higher offer, plaintiffs were not entitled to specific performance of contract or to recover damages from executor for breach of contract in absence of showing that procedures followed by probate judge were contrary to law. *E. H. Savage, etc. v. C. L. Pinderhughes, Executor etc.* (1967, 382 F. 2d 171, — U.S. App. D.C. —).

§ 20-1106. Authority of court regarding sales of realty; responsibility for proceeds; restrictions on sales; auditor's report

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-1111.

Chapter 13.—CLAIMS OF CREDITORS

§ 20-1302. Judgment or decree; voucher or proof

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-1303.

§ 20-1303. Bond, note, check, protested bill of exchange; original or copy of instrument to constitute voucher

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-1304.

§ 20-1313. Payment of claims

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-1315.

§ 20-1320. Notice to creditors to file claims

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-1321.

§ 20-1321. Report and proof of notice

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-1322.

§ 20-1323. Docket of claims

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-1324.

Chapter 19.—DISTRIBUTION OF SURPLUS

§ 20-1901. Distribution; when to be made

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 19-114.

§ 20-1904. Partial distribution

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-1905.

Chapter 21.—ADMINISTRATION OF SMALL ESTATES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 20-1325.

§§ 20-2101, 20-2102

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 20-2103, 20-2105.

Chapter 23.—ESTATES AND ABSENTEES AND ABSCONDERS

§ 20-2301. Petition for appointment of receiver, where absentees interested in property; United States attorney as party

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-2302, 20-2305, 20-2308.

§ 20-2302. Warrant to United States marshal; fees of marshal

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-2303, 20-2306.

§ 20-2303. Notice of hearing to absentee and interested parties

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-2304, 20-2308.

§ 20-2305. Appointment of receiver; bond; finding of date of disappearance

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-2306 to 20-2308, 20-2314.

§ 20-2307. Possession, by receiver, of additional property; collection of debts

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-2308.

§ 20-2312. Compensation of receiver; interest of absentee in property to cease after fourteen years

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-2313, 20-2314.

§ 20-2313. Distribution after fourteen years as if absentee had died intestate

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20-2314.

TITLE 21.—FIDUCIARY RELATIONS AND THE MENTALLY ILL

Chapter 1.—GUARDIANSHIP OF INFANTS

SUBCHAPTER I.—APPOINTMENT OF GUARDIAN; BOND

§§ 21-101 to 21-104

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 21-106.

§ 21-108. Selection of guardian by infant

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-107.

SUBCHAPTER II.—PROPERTY OF INFANTS

§ 21-146. Contract for sale by adult in behalf of himself and infant

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 21-213) is referred to in section 16-2901.

§ 21-148. Sale or exchange of real estate; proceedings

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-149 to 21-151, 21-155.

§§ 21-149, 21-150

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 21-155.

§ 21-151. Decree of sale; costs

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-152, 21-153, 21-155.

§§ 21-152, 21-153

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 21-155.

Chapter 5.—HOSPITALIZATION OF THE MENTALLY ILL

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 21-1101.

SUBCHAPTER I.—DEFINITIONS; COMMISSION ON MENTAL HEALTH

§ 21-501. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-351, 21-701, 21-1501.

SUBCHAPTER II.—VOLUNTARY AND NONPROTESTING HOSPITALIZATION

§ 21-511. Voluntary hospitalization

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-512.

§ 21-512. Release of voluntary patient

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-526.

§ 21-513. Hospitalization of nonprotesting person

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-514.

§ 21-514. Release of patients hospitalized under section 21-513

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-513.

SUBCHAPTER III.—EMERGENCY HOSPITALIZATION

§ 21-521. Detention of persons believed to be mentally ill; transportation and application to hospital

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-522.

NOTES TO DECISIONS

Commencement of judicial proceedings

Physician's petition for judicial hospitalization of patient commenced the judicial proceedings so that detention of patient during course of proceedings was authorized even though petition was not filed until almost four weeks after patient had been admitted to hospital. *In the Matter of H. Perry* (1967, 269 F. Supp. 729).

§ 21-522. Examination and admission to hospital; notice

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-523, 21-524.

§ 21-523. Court order requirement for hospital detention beyond 48 hours; maximum period for observation

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-522, 21-524, 21-526.

NOTES TO DECISIONS

Construction

Statute providing that a person admitted to hospital for emergency observation and diagnosis may not be detained for period over 48 hours unless hospital administrator has filed petition for order authorizing continued hospitalization must be read in connection with another provision providing that hospital administrator may, if judicial proceedings for hospitalization have been commenced, detain person in hospital during course of the judicial proceedings. *In the Matter of H. Perry* (1967, 269 F. Supp. 729).

§ 21-524. Determination and order of court

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-525 to 21-527.

§ 21-525. Hearing by court

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-526.

§ 21-528. Detention of person pending judicial proceedings

NOTES TO DECISIONS

Construction

Statute providing that a person admitted to hospital for emergency observation and diagnosis may not be detained for period over 48 hours unless hospital administrator has

filed petition for order authorizing continued hospitalization must be read in connection with another provision providing that hospital administrator may, if judicial proceedings for hospitalization have been commenced, detain person in hospital during course of the judicial proceedings. *In the Matter of H. Perry* (1967, 269 F. Supp. 729).

SUBCHAPTER IV.—HOSPITALIZATION UNDER COURT ORDER

§ 21-541. Petition to Commission; copy to person affected

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-542, 21-551, 21-582.

NOTES TO DECISIONS

Commencement of judicial proceedings

Physician's petition for judicial hospitalization of patient commenced the judicial proceedings so that detention of patient during course of proceedings was authorized even though petition was not filed until almost four weeks after patient had been admitted to hospital. *In the Matter of H. Perry* (1967, 269 F. Supp. 729).

Scope of mandatory commitment

Notwithstanding fact that appeal of denial of petition for writ of habeas corpus by person who was acquitted by reason of insanity and summarily committed to mental hospital pursuant to mandatory provisions of District of Columbia statute raised substantial questions concerning scope of mandatory commitment and its relationship to the Hospitalization of the Mentally Ill Act, in view of petitioner's unconditional release from hospital while appeal was pending, appeal was dismissed as moot. *S. I. Solomon v. D. C. Cameron, Sup't etc.* (1967, 377 F. 2d 170, — U.S. App. D.C. —).

§ 21-542. Hearing by Commission; presence and rights of person affected; hearing regarding liability

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-544.

§ 21-544. Determinations of Commission; report to court; copy to person affected; right to jury trial

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-545.

§ 21-545. Hearing and determination by court or jury; order; witnesses; jurors

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-546, 21-551.

NOTES TO DECISIONS

Evidence

In view of psychiatrists' testimony that person was suffering from condition which substantially impaired his health, that the condition was interrelated with his mental deficiency, and that his antisocial behavior occurred as result and manifestation of underlying mental illness, there was sufficient evidence for jury to find that person in addition to being mentally deficient was suffering from a mental illness. *In re M. W. Alexander, Patient* (1967, 372 F. 2d 925, 125 U.S. App. D.C. 352).

Grounds for commitment

To sustain a civil commitment under District of Columbia Code it is insufficient to find that a person is mentally deficient even when such condition is accompanied by some antisocial behavior, and government must prove by preponderance of evidence that individual suffers from mental illness, whether related or unrelated to mental deficiency, and that danger-productive behavior of individual results from mental illness. *In re M. W. Alexander, Patient* (1967, 372 F. 2d 925, 125 U.S. App. D.C. 352).

Instructions

To extent that district court's instruction reflected government trial counsel's view that mental deficiency in and of itself constituted a mental illness within District of Columbia statute relating to civil commitment instruc-

tion was improper, but when court's charge was taken in its entirety the jury had been clearly and properly informed they could not commit person simply because of his mental deficiency. *In re M. W. Alexander, Patient* (1967, 372 F. 2d 925, 125 U.S. App. D.C. 352).

Investigation discretionary

Provision of the District of Columbia Hospitalization of the Mentally Ill Act providing that court may order hospitalization or any other alternative course of treatment makes court's duty to investigate discretionary and not mandatory. *C. Lake v. Dr. D. C. Cameron* (1967, 267 F. Supp. 155).

Justification for treatment

Evidence in committed petitioner's habeas corpus proceeding established that actual medical and psychiatric treatment extended to petitioner was fully warranted and that, in view of petitioner's tendency to wander, there was no facility within district, other than mental hospital with closed wards, presently capable of treating her. *C. Lake v. Dr. D. C. Cameron* (1967, 267 F. Supp. 155).

§ 21-546. Periodic requests for examination of hospitalized patient; procedure for examination and detention or release; petition to court

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-547, 21-549, 21-589.

§§ 21-547, 21-548

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 21-549, 21-589.

§§ 21-549, 21-550

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 21-589.

§ 21-551. Nonresidents

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-589, 21-906.

SUBCHAPTER V.—RIGHT TO COMMUNICATION; EXERCISE OF OTHER RIGHTS

§ 21-562. Medical and psychiatric care and treatment; records

NOTES TO DECISIONS

Availability of treatment

Availability of treatment for persons civilly committed to hospital as mentally ill had been sufficiently demonstrated in case so that it was not necessary to decide question of whether court erred in ordering hospitalization at particular hospital in absence of showing that he would receive medical and psychiatric treatment there. *In re M. W. Alexander, Patient* (1967, 372 F. 2d 925, 125 U.S. App. D.C. 352).

Basis for indefinite commitment

Indefinite commitment under sexual psychopath law is justifiable only upon a theory of therapeutic treatment. *M. I. Millard v. D. C. Cameron, Sup't etc.* (1966, 373 F. 2d 468, 125 U.S. App. D.C. 383).

Evidence

In view of psychiatrists' testimony that person was suffering from condition which substantially impaired his health, that the condition was interrelated with his mental deficiency, and that his antisocial behavior occurred as result and manifestation of underlying mental illness, there was sufficient evidence for jury to find that person in addition to being mentally deficient was suffering from a mental illness. *In re M. W. Alexander, Patient* (1967, 372 F. 2d 925, 125 U.S. App. D.C. 352).

Habeas corpus

Alleged denial of mental patients' right to treatment would require remand of habeas corpus petition for a

new hearing. *S. A. Dobson and R. Stultz v. D. C. Cameron, Sup't etc.* (1967, 383 F. 2d 519, — U.S. App. D.C. —).

Petitioner involuntarily committed to mental hospital on being acquitted of an offense by reason of insanity had right to treatment that was cognizable in habeas corpus, and law and justice required remand for hearing and findings on whether petitioner had received adequate treatment and, if not, the details and circumstances underlying the reason why he had not. *C. C. Rouse v. D. C. Cameron, Sup't etc.* (1967, 373 F. 2d 451, 125 U.S. App. D.C. 366).

Habeas corpus relief would be available to one involuntarily committed to public hospital as sexual psychopath but who is not receiving reasonably suitable and adequate treatment, and lack of such treatment could not be justified by lack of staff or facilities. *M. I. Millard v. D. C. Cameron, Sup't etc.* (1966, 373 F. 2d 468, 125 U.S. App. D.C. 383).

Instructions

To extent that district court's instruction reflected government trial counsel's view that mental deficiency in and of itself constituted a mental illness within District of Columbia statute relating to civil commitment instruction was improper, but when court's charge was taken in its entirety the jury had been clearly and properly informed they could not commit person simply because of his mental deficiency. *In re M. W. Alexander, Patient* (1967, 372 F. 2d 925, 125 U.S. App. D.C. 352).

Reasonable opportunity to initiate treatment

If court finds that a mandatorily committed patient is in custody in violation of Constitution and laws, for failure to receive treatment, it may allow hospital a reasonable opportunity to initiate treatment, but if opportunity for treatment has been exhausted or is otherwise inappropriate, conditional or unconditional release may be in order. *C. C. Rouse v. D. C. Cameron, Sup't etc.* (1967, 373 F. 2d 451, 125 U.S. App. D.C. 366).

Right to treatment

One involuntarily committed to mental hospital on being acquitted of an offense by reason of insanity has a right to treatment. *C. C. Rouse v. D. C. Cameron, Sup't etc.* (1967, 373 F. 2d 451, 125 U.S. App. D.C. 366).

On issue of right to treatment of one involuntarily committed on being acquitted of an offense by reason of insanity, hospital need not show that treatment will cure or improve him but only that there is bona fide effort to do so, and this requires hospital to show that initial and periodic inquiries are made into needs and conditions of patient with view to providing suitable treatment for him, and that the program provided is suited to his particular needs. *Id.*

On issue of right to treatment of one involuntarily committed to mental hospital on being acquitted of an offense by reason of insanity, effort should be to provide treatment which is adequate in light of present knowledge. *Id.*

Continuing failure to provide suitable and adequate treatment of one involuntarily committed to mental hospital on being acquitted of an offense by reason of insanity cannot be justified by lack of staff or facilities. *Id.*

SUBCHAPTER VI.—MISCELLANEOUS PROVISIONS

§ 21-585. Confinement in jail prohibited

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-589.

§ 21-586. Financial responsibility for care of hospitalized persons; judicial enforcement

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-542, 21-589.

§§ 21-587, 21-588

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 21-589.

Chapter 7.—PROPERTY OF MENTALLY ILL PERSONS

§ 21-704. Contract for sale by adult in behalf of himself and mentally ill person

SECTION REFERRED TO IN OTHER SECTIONS

This section (formerly 21-213) is referred to in section 16-2901.

Chapter 9.—MENTALLY ILL PERSONS FOUND IN CERTAIN FEDERAL RESERVATIONS

§ 21-902. Commitments by special commissioners of certain district courts

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-903 to 21-906.

§ 21-903. Apprehension by certain officials of persons believed to be mentally ill; proceedings

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-902, 21-905, 21-906.

§ 21-904. Admission upon written application; right of release

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-903, 21-906, 21-909.

§ 21-906. Examinations; adjudications; laws applicable; expense care and treatment

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-904.

§ 21-907. Transfer of military personnel

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-902.

Chapter 11.—COMMITMENT AND MAINTENANCE OF FEEBLE-MINDED PERSONS

§ 21-1102. Persons received in District Training School; age limit

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(202) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 21-1103. Petition of District Court as to feeble-mindedness; contents; verification; notice; process

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-1104 to 21-1107, 21-1118.

§ 21-1107. Hearing; continuances; character of proofs; jury trial

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-1108.

§ 21-1108. Dismissal and discharge, or placement in District Training School; controlling considerations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-1109.

§ 21-1109. Private and public patients; bond for support and maintenance; sufficiency and justification of sureties

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-1112.

§ 21-1110. Liability of estate of public patient for maintenance

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-1111.

§ 21-1120. Paroles; conditions; expense; discretion of superintendent; violation; return

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(203) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of

the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 15.—CONSERVATORS**§ 21-1501. Appointment of conservators**

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20-351, 21-1502.

§ 21-1503. Bond; powers and duties

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-1505.

PART IV

CRIMINAL LAW AND PROCEDURE

TITLE 22. CRIMINAL OFFENSES.
TITLE 23. CRIMINAL PROCEDURE.

TITLE 24. PRISONERS AND THEIR TREATMENT.

TITLE 22.—CRIMINAL OFFENSES

Chap.	Sec.
18. Burglary	22-1801
20. Obscenity	22-2001

Chapter 1.—GENERAL PROVISIONS

§ 22-103. Attempts to commit crime.

NOTES TO DECISIONS

Attempted unauthorized use of motor vehicle

Attempted unauthorized use of a motor vehicle is a crime under statutes prohibiting the taking, use, operation, or removal of a vehicle without owner's consent and calling for punishment of whoever shall attempt to commit any crime, which attempt is not otherwise punishable. *B. O. Greenwood III v. United States* (D.C. App. 1967, 225 A. 2d 878).

Continuance

The granting or refusal of a continuance is largely left to discretion of the trial judge, and his decision will not be disturbed without a clear showing of abuse in the exercise of that discretion. *W. E. Smith v. United States* (D.C. App. 1967, 235 A. 2d 574).

Corroborating witness

Failure of prosecution to produce second officer who as a corroborating witness could only have testified to time and place of defendant's arrest for attempted procuring because he did not hear conversation between arresting officer and defendant was not error in view of prosecution's effort to secure a continuance because second officer was in another court and defendant's then counsel's willingness to proceed to trial in second officer's absence. *R. Blakney v. United States* (D.C. App. 1967, 225 A. 2d 654).

Evidence

Evidence supported conviction for attempted unauthorized use of automobile. *N. Dickson v. United States* (D.C. App. 1967, 226 A. 2d 364).

Evidence supported conviction for attempted unauthorized use of motor vehicle. *B. O. Greenwood III v. United States* (D.C. App. 1967, 225 A. 2d 878).

Evidence—Sufficiency

The record contains sufficient evidence from which the jury could have found or inferred that the car left by owner in the parking garage and the one driven onto the parking lot by appellant were one and the same. *F. E. Wesley v. United States* (D.C. App. 1967, 233 A. 2d 514).

Cigarettes found in defendants' possession, with same "wholesale numbers" as cigarettes left in store, but not otherwise identified as having come from store, had little, if any, probative value. *S. C. Davis and C. L. Colbert v. United States* (D.C. App. 1967, 230 A. 2d 485).

Evidence of defendants' physical and chronological proximity to scene of housebreaking, and their leaving at a trot, was insufficient to sustain conviction for attempted housebreaking and petit larceny. *Id.*

Lapse of time between theft and arrest

Lapse of five days between theft of automobile and arrest of defendant operating it did not insulate him from

criminal liability for attempted unauthorized use of motor vehicle. *B. O. Greenwood III v. United States* (D.C. App. 1967, 225 A. 2d 878).

Proof of ownership

Any failure of prosecution to show who owned automobile involved in prosecution for attempted unauthorized use of motor vehicle did not preclude conviction where it was established that ownership was in some third party. *D. Dickson v. United States* (D.C. App. 1967, 226 A. 2d 364).

Review

Defendant could not be heard to complain on appeal of conviction for attempted unauthorized use of motor vehicle in view of proof of completion of offense of unauthorized use of the vehicle. *B. O. Greenwood III v. United States* (D.C. App. 1967, 225 A. 2d 878).

Chapter 4.—ARSON

§§ 22-401, 22-402.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 22-2401.

Chapter 5.—ASSAULT—MAYHEM—THREAT OF BODILY HARM

§ 22-501. Assault with intent to kill, rob, rape, or poison.

Every person convicted of any assault with intent to kill or to commit rape, or to commit robbery, or mingling poison with food, drink, or medicine with intent to kill, or wilfully poisoning any well, spring, or cistern of water, shall be sentenced to imprisonment for not less than two years or more than fifteen years. (Mar. 3, 1901, 31 Stat. 1321, ch. 854, § 803; Dec. 27, 1967, Pub. L. 90-226, § 601, title VI, 81 Stat. 736.)

AMENDMENT

1967—Section 601, Act Dec. 27, 1967, Pub. L. 90-226, amended section by inserting after "for not" the words "less than two years or".

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act [Pub. L. 90-226] commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act, [Amendments of sections, 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025] shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-203.

NOTES TO DECISIONS

Instructions

Defendant was convicted of an assault on a female under age of 16 with intent to commit carnal knowledge and with taking immoral, improper and indecent liberties with a female under age of 16, in violation of Miller Act, and the court should have given requested instruction that jury should consider count based on Miller Act only if they acquitted on the other count and, although failure to so instruct did not impair verdict under Miller Act, conviction for other offense must be set aside. *H. C. Dozier v. United States* (1967, 382 F. 2d 482, — U.S. App. D.C. —).

Failure of court to instruct on simple assault as less offense under count charging taking immoral, improper, and indecent liberties with female under age of 16 furnished no basis for reversal, as jury was instructed on simple assault as less offense under count charging assault on female under age of 16 with intent to commit carnal knowledge. *Id.*

§ 22-502. Assault with intent to commit mayhem or with dangerous weapon.

NOTES TO DECISIONS

Abuse of discretion

Trial court did not abuse its discretion when it concluded that alleged molesting of defendant's son one month prior to charged assault was too attenuated to warrant reception in evidence, in prosecution for assault with a dangerous weapon. *T. M. Harley v. United States* (1967, 377 F. 2d 172, — U.S. App. D.C. —).

Consecutive sentences

It is proper to increase punishment where there have been convictions under the conventional robbery statute and under statute prohibiting assaults with a dangerous weapon by imposing consecutive sentences. *United States v. J. L. Suggs and C. Blair* (1967, 269 F. Supp. 732).

Defendant, who allegedly committed crime of assault with a dangerous weapon in parking lot of store or near door to store, and who allegedly committed a robbery in office of store could be given consecutive sentences upon being convicted for both crimes. *Id.*

Intent to commit other crime

There is no statutory requirement for either robbery or assault with a dangerous weapon, that there be a specific intent to commit the other. *United States v. J. L. Suggs and C. Blair* (1967, 269 F. Supp. 732).

§ 22-504. Assault or threatened assault in a menacing manner.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4-140.

NOTES TO DECISIONS

Appeal and error

Court of Appeals, on appeal from conviction for disorderly conduct and simple assault, was reluctant to determine whether police department form containing information as to time, place and date of offense, name of complainant, names and addresses of witnesses, and description of details of offense was produceable under Jencks Act but would give trial court opportunity in first instance to decide issue of produceability under established guidelines. *C. Duncan, Jr. v. United States and District of Columbia* (1967, 379 F. 2d 148, — U.S. App. D.C. —).

If trial court, in determining issue of produceability of police report form under Jencks Act, found that statement should have been made available, error in failing to require production of statement would not be harmless and would require new trial on charges of disorderly conduct and simple assault. *Id.*

Applicability of Jencks rule

Jencks rule of evidence applies in District of Columbia Court of General Sessions whether case is prosecuted by District of Columbia or by United States. *C. Duncan, Jr. v. United States and District of Columbia* (1967, 379 F. 2d 148, — U.S. App. D.C. —).

Continuance

The granting or refusal of a continuance is largely left to discretion of the trial judge, and his decision will not be disturbed without a clear showing of abuse in the exercise of that discretion. *W. E. Smith v. United States* (D.C. App. 1967, 235 A. 2d 574).

Double jeopardy

Judgments were required to be vacated and nolle prosequi entered in cases which had been pending before Court of General Sessions where government's action in entering the nolle prosequi could not be characterized as an abuse of its power, and to allow government to file new informations at a subsequent date would not violate double jeopardy clause of Fifth Amendment. *United States v. B. H. Foster* (D.C. App. 1967, 226 A. 2d 164).

Probation report

Where record clearly showed that court had inquired into defendant's record prior to imposing sentence following conviction for assault and learned that defendant had committed offense while on probation from previous conviction, trial court, which felt that it had all information that was needed for sentencing, did not abuse discretion in failing to order either a preliminary screening or probation report prior to imposing sentence. *W. A. Thomas, W. B. Preston and E. C. Singleton v. United States* (D.C. App. 1967, 229 A. 2d 155).

§ 22-505. Assault on member of police force.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-203.

Chapter 7.—BRIBERY—OBSTRUCTING JUSTICE

§ 22-703. Obstructing justice.

(a) Whoever corruptly, by threats or force, endeavors to influence, intimidate, or impede any juror, witness, or officer in any court in the District in the discharge of his duties, or, by threats or force, in any other way obstructs or impedes or endeavors to obstruct or impede the due administration of justice therein, or whoever willfully endeavors by means of bribery, misrepresentation, intimidation, or force or threats of force, to obstruct, delay, or prevent the communication to an investigator of the District of Columbia government by any person of information relating to a violation of any criminal statute in effect in the District of Columbia, or injures any person or his property on account of the giving by such person or by any other person of such information to any such investigator in the course of the conduct of any criminal investigation, shall be fined not more than \$1,000 or be imprisoned not more than three years, or both.

(b) As used in this section, the term "criminal investigation" means an investigation relating to a violation of any criminal statute in effect in the District of Columbia, and the term "investigator" means an individual duly authorized by the Commissioner or his designated agent to conduct or engage in such

an investigation. (Mar. 3, 1901, 31 Stat. 1330, ch. 854, § 862; Dec. 27, 1967, Pub. L. 90-226, § 401, title IV, 81 Stat. 736.)

AMENDMENT

1967—Section 401, Act Dec. 27, 1967, Pub. L. 90-226, amended section to read as above set out. For provisions of section prior to this amendment, see main edition of the code.

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided: Whoever, prior to the date of enactment of this Act, [Pub. L. 90-226] commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act, [Amendments of sections, 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025] shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided: If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

Chapter 8.—CRUELTY TO ANIMALS

§ 22-801. Definition and penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-802, 22-806, 22-807, 22-809, 22-811 to 22-813.

§§ 22-802 to 22-805.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 22-806 22-812, 22-813.

§ 22-806. Prosecution of offenders—Disposition of fines.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-812, 22-813.

§ 22-807 to 22-809, 22-811.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 22-806, 22-812, 22-813.

§§ 22-813, 22-814.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 22-806.

Chapter 9.—DOMESTIC RELATIONS

§ 22-903. Wilful neglect or refusal to support wife or minor child—Punishment—Order of allowance—Recognizance—Trial under original charge.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-523, 11-1556, 16-2355, 16-2381, 16-2383, 22-904 to 22-906.

§ 22-904. Evidence of marriage—Competency of witnesses—Proof of wilful desertion.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-523, 11-1556, 16-2355, 16-2381, 22-905, 22-906.

§ 22-905. Weekly payments by superintendent of workhouse for each day's confinement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-523, 11-1556, 16-2381, 16-2355, 22-904, 22-906.

Chapter 11.—DISORDERLY CONDUCT

Sec.

22-1122. Rioting or inciting to riot—Penalties.

§ 22-1107. Unlawful assembly—Profane and indecent language.

NOTES TO DECISIONS

Appeal and error

Court of Appeals, on appeal from conviction for disorderly conduct and simple assault, was reluctant to determine whether police department form containing information as to time, place and date of offense, name of complainant, names and addresses of witnesses, and description of details of offense was produceable under Jencks Act but would give trial court opportunity in first instance to decide issue of produceability under established guidelines. *C. Duncan, Jr. v. United States and District of Columbia* (1967, 379 F. 2d 148, — U.S. App. D.C. —).

If trial court, in determining issue of produceability of police report form under Jencks Act, found that statement should have been made available, error in failing to require production of statement would not be harmless and would require new trial on charges of disorderly conduct and simple assault. *Id.*

Applicability of Jencks rule

Jencks rule of evidence applies in District of Columbia Court of General Sessions whether case is prosecuted by District of Columbia or by United States. *C. Duncan, Jr. v. United States and District of Columbia* (1967, 379 F. 2d 148, — U.S. App. D.C. —).

Arrest, validity of

Arrest of defendant for use toward officer of abusive, insulting, obscene language in protest against direction that he and a group of others on sidewalk move on was valid. *G. A. Williams v. District of Columbia* (D.C. App. 1967, 227 A. 2d 60).

Element of offense

Consequential or probable breach of the peace is not an element of offense under statute making it unlawful to curse, swear, or use profane language or indecent or obscene words in any public way. *G. A. Williams v. District of Columbia* (D.C. App. 1967, 227 A. 2d 60).

Dismissal of charge under general disorderly conduct statute removed need for finding that breach of the peace was threatened by offensive language of defendant, who was also charged with use of profane language or indecent or obscene words on public sidewalk. *Id.*

Evidence—Sufficiency

Evidence supported conviction of defendant for using profane language, indecent and obscene words, on public sidewalk. *G. A. Williams v. District of Columbia* (D.C. App. 1967, 227 A. 2d 60).

Preservation of community moral standards

The prohibition of and, if required, prosecution for use of obscene and profane language in public may be upheld upon interest of state in preserving community moral standards. *G. A. Williams v. District of Columbia* (D.C. App. 1967, 227 A. 2d 60).

§ 22-1109. Throwing stones or other missiles forbidden.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-812.

§ 22-1112. Lewd, indecent, or obscene acts.

CROSS REFERENCE

For other provisions dealing with obscene matters see sec. 22-2001.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-109.

NOTES TO DECISIONS

Abuse of court's discretion

Denial of defendant's motion to vacate a judgment of conviction on a plea of guilty on the ground that manifest injustice occurred because court appointed same counsel to represent both defendants was not an abuse of discretion under the record. *M. E. Lord Jr. v. District of Columbia* (D.C. App. 1967, 235 A. 2d 322.)

Admission by defendant

Admission by defendant that he was present in washroom when officer entered eliminated necessity for corroboration of presence of officer and defendant at the time and place of alleged lewd, obscene, and indecent act in the washroom, in case wherein there was testimony of only one witness to the act, namely, the officer. *L. D. Reed v. District of Columbia* (D.C. App. 1967, 26 A. 2d 581).

Assumption by reviewing court

In view of citation to court of general sessions of decision laying down rule that testimony of a single witness to verbal invitation to sodomy should be received and considered with great caution, in case wherein there was testimony of only one witness to the charged lewd, obscene, and indecent act, reviewing court was required to assume that Court of General Sessions was fully aware of the rules announced in that decision and that the testimony of the witness had been received and considered with great caution. *L. D. Reed v. District of Columbia* (D.C. App. 1967, 226 A. 2d 581).

Character evidence

Trial court, which expressly commented on evidence of good character of defendant convicted of committing lewd, obscene, and indecent act in department store restroom, had given due consideration to the character evidence. *L. D. Reed v. District of Columbia* (D.C. App. 1967, 226 A. 2d 581).

Corroboration of single witness

In cases wherein testimony of only one witness to verbal invitation to sodomy is introduced, the trial court should require corroboration of the circumstances surrounding the parties at the time, such as presence at the alleged time and place and similar provable circumstances. *L. D. Reed v. District of Columbia* (D.C. App. 1967, 226 A. 2d 581).

In cases wherein testimony of only one witness to verbal invitation to sodomy is introduced, evidence of good character is particularly applicable. *Id.*

Testimony of a single witness to a verbal invitation to sodomy should be received and considered with great caution. *Id.*

Entrapment

Evidence did not support contention made for first time on appeal from conviction for committing lewd, obscene, and indecent act that defendant had been entrapped. *L. D. Reed v. District of Columbia* (D.C. App. 1967, 226 A. 2d 581).

Nonproduction of possible witness

That an unidentified man left washroom immediately prior to arrest of defendant for committing lewd, indecent, and obscene act there and that arresting officer did not detain the man or obtain his name and address did not give rise to presumption that the unidentified man's testimony would not have supported officer's testimony, in absence of solid foundation indicating that unidentified man had witnessed the acts and conduct of defendant. *L. D. Reed v. District of Columbia* (D.C. App. 1967, 226 A. 2d 581).

§ 22-1114. Disturbing religious congregation.

NOTES TO DECISIONS

Forfeiture of collateral

Forfeitures of collateral security could not be vacated on application made more than 30 days after forfeiture, despite claim that defendants had misunderstood or were misinformed as to date set for trial or were under impression that cases were further continued, where there was no testimony by defendants to this effect and counsel were fully aware of situation. *District of Columbia v. H. Evans et al.* (D.C. App. 1967, 225 A. 2d 309).

§ 22-1115. Interference with foreign diplomatic and consular offices, officers, and property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-1116.

§ 22-1121. Disorderly conduct—Generally.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-109.

NOTES TO DECISIONS

Construction

The qualifying language of the general disorderly conduct statute—"under circumstances such that a breach of the peace may be occasioned thereby"—need not be read into statute making it unlawful to curse, swear, or make use of profane language or indecent or obscene words in any public way. *G. A. Williams v. District of Columbia* (D.C. App. 1967, 227 A. 2d 60).

Enactments like statute prohibiting cursing, swearing, or using profane language or indecent or obscene words in public ways must contain qualifying language, and the qualifications must be applied within the framework of the clear and present danger test; otherwise they violate First Amendment. *Id.*

Elements of offense

While one of the elements of offense of disorderly conduct under statute is that the conduct must occur with intent to provoke a breach of the peace or occur under circumstances such that a breach of the peace may be occasioned thereby, it is not necessary in every case for the information to follow the precise language of the statute. *District of Columbia v. T. Jordan* (D.C. App. 1967, 232 A. 2d 298).

Indictment

Allegation of information charging that defendant was then and there a peeping Tom sufficiently charged that defendant's conduct was under circumstances such that a breach of the peace might be occasioned thereby, and information was not defective on grounds that it did not charge that defendant acted with an intent to provoke a breach of the peace or under circumstances such that a breach of the peace might be occasioned thereby. *District of Columbia v. T. Jordan* (D.C. App. 1967, 232 A. 2d 298).

§ 22-1122. Rioting or inciting to riot—Penalties.

(a) A riot in the District of Columbia is a public disturbance involving an assemblage of five or more persons which by tumultuous and violent conduct or the threat thereof creates grave danger of damage or injury to property or persons.

(b) Whoever willfully engages in a riot in the District of Columbia shall be punished by imprisonment for not more than one year or a fine or not more than \$1,000, or both.

(c) Whoever willfully incites or urges other persons to engage in a riot shall be punished by imprisonment for not more than one year or a fine of not more than \$1,000, or both.

(d) If in the course and as a result of a riot a person suffers serious bodily harm or there is property damage in excess of \$5,000, every person who willfully incited or urged others to engage in the riot shall be punished by imprisonment for not more than ten years or a fine of not more than \$10,000, or both. (Dec. 27, 1967, Pub. L. 90-226, § 901, title IX, 81 Stat. 742.)

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act [Pub. L. 90-226], commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act [Amendments of sections, 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001,

22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301, and enactments of sections 4-140a, 4-150a, and 22-1122, and amendments of 18 U.S.C. 4122, 5024, and 5025], shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

Chapter 12.—EMBEZZLEMENT

§ 22-1201. Embezzlement of property of District of Columbia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-1204.

§ 22-1202. Embezzlement by agent, attorney, clerk, servant, or agent of a corporation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1203 to 22-1205, 22-1207.

§ 22-1203. Embezzlement of note not delivered.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1204, 22-1207.

§§ 22-1204 to 22-1206.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 22-1207.

§ 22-1207. Punishment for violations of sections 22-1202 to 22-1206.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-1409.

Chapter 13.—FALSE PRETENSES—FALSE PERSONATION

§ 22-1301. False pretenses.

NOTES TO DECISIONS

Elements of crime

Elements of false pretenses are false representation, knowledge of falsity, intent to defraud, reliance by defrauded party, and obtaining something of value. *R. A. Willgoos v. United States* (D.C. App. 1967, 228 A. 2d 635).

Evidence

Evidence did not sustain conviction of obtaining hotel lodging under false pretenses, notwithstanding defendant's failure to pay within one week after checking out, in view of showing of defendant's efforts to pay. *R. A. Willgoos v. United States* (D.C. App. 1967, 228 A. 2d 635).

Knowledge of falsity

Finding of knowledge of falsity may be based on reasonable inferences from concrete facts in evidence, including conduct of parties to transaction, their utterances, the position occupied by accused, and all circumstances surrounding the transaction. *R. A. Willgoos v. United States* (D.C. App. 1967, 228 A. 2d 635).

§ 22-1304. Falsely impersonating public officer or minister.

NOTES TO DECISIONS

Reversal on grounds of inadequate defense

Conviction for impersonating an officer was reversed and new trial ordered in view of defense's failure to call defendant to stand to rebut government's evidence that badge displayed by defendant who contended that he had

exhibited a special police officer badge was not of the type officially issued to special police officers, failure to subpoena an allegedly material witness, presence of hearsay testimony and closeness of case. *E. E. Dyer v. United States* (1967, 379 F. 2d 89, — U.S. App. D.C. —).

Chapter 14.—FORGERY—FRAUDS

§ 22-1408. Manufacture, sale, offer for sale, possession of slugs or device to operate coin-controlled mechanism.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-1409.

§ 22-1411. Fraudulent advertising.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1412, 22-1413.

Chapter 15.—GAMBLING

§ 22-1501. Lotteries—Promotion—Sale or possession of tickets.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1502, 22-1505, 23-301, 23-304, 23-305.

§ 22-1502. Possession of lottery or policy tickets.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 23-304 to 23-306.

§ 22-1503. Permitting sale of lottery tickets on premises.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 23-301, 23-304.

§ 22-1504. Gaming—Setting up gaming table—Inducing play.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1502, 22-1505, 22-1507, 23-301, 23-304.

§ 22-1505. Gambling premises—Definition—Prohibition against maintaining—Forfeiture—Liens—Deposit of moneys in Treasury—Penalty—Subsequent offenses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1507, 23-301, 23-304.

§ 22-1506. Three-card monte and confidence games.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1507, 23-304.

§ 22-1507. "Gaming table" defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 23-301, 23-304.

§ 22-1508. Gambling pools and bookmaking—Athletic contest defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1502, 23-301, 23-304.

§ 22-1509. Bucketing, and bucket-shopping and bucket-shops—Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1510 to 22-1512.

§ 22-1510. Penalty for bucketing or keeping bucketshop.

CODIFICATION

The reference to section 23-1509 in the second line of this section as it appears in the main edition is an error. It should read 22-1509.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1509, 22-1511, 22-1512.

§ 22-1511. Penalty for communicating, receiving, exhibiting, or displaying quotations of prices.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1509, 22-1510, 22-1512.

§ 22-1512. Bucketing—Written statement to be furnished—Contents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1509 to 22-1511.

§ 22-1513. Corrupt influence in connection with athletic contests.

* * * * *

(f) Nothing in this section shall be construed to prohibit the giving or offering of any bonus or extra compensation to any manager, coach, or professional player, or to any league, association, or conference for the purpose of encouraging such manager, coach, or player to a higher degree of skill, ability, or diligence in the performance of his duties. (As amended, Dec. 27, 1967, Pub. L. 90-226, § 604, title VI, 81 Stat. 737.)

AMENDMENT

1967—Section 604, Act Dec. 27, 1967, Pub. L. 90-226, amended section by adding subsection "f".

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided: Whoever, prior to the date of enactment of this Act, [Pub. L. 90-226] commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act, [Amendments of sections, 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025] shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided: If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

Chapter 16.—GAME AND FISH LAWS

§ 22-1628. Commissioners' authority with respect to wild animals, fishing licenses, and migratory birds—Exception—"Wild Animals" defined.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(204) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to restricting, prohibiting, regulating, and controlling hunting and fishing and the taking, possession, and sale of wild animals, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 22-1630. Seizure of hunting and fishing equipment by police officer—Return of seized property upon acquittal—Forfeiture of seized property upon conviction and sale at public auction—Disposal of proceeds of sale—Disposal of property not sold at auction—Payment of valid liens after sale of seized property.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(205) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) as provided in the last sentence of the subsection, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 17.—HARBOR REGULATIONS

§ 22-1701. Harbor regulations—Authority vested in Commissioners to make—Federal approval if affecting navigable waters—Parks and waterfront—Penalty.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(206) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 22-1703. Deposits of deleterious matter in Rock Creek or Potomac River.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-1703a.

Chapter 18.—BURGLARY

Sec.

22-1801. Burglary—Penalties.

§ 22-1801. Burglary—Penalties.

(a) Whoever shall, either in the nighttime or in the daytime, break and enter, or enter without breaking, any dwelling, or room used as a sleeping apartment in any building, with intent to break and carry away any part thereof, or any fixture or other thing attached to or connected thereto or to commit any criminal offense, shall, if any person is in any part of such dwelling or sleeping apartment at the time of such breaking and entering, or entering without breaking, be guilty of burglary in the first degree. Burglary in the first degree shall be punished by imprisonment for not less than five years nor more than thirty years.

(b) Except as provided in subsection (a) of this section, whoever shall, either in the night or in the daytime, break and enter, or enter without breaking, any dwelling, bank, store, warehouse, shop, stable, or other building or any apartment or room, whether at the time occupied or not, or any steamboat, canalboat, vessel, or other watercraft, or railroad car or any yard where any lumber, coal, or other goods or chattels are deposited and kept for the purpose of trade, with intent to break and carry away any part thereof or any fixture or other thing attached to or connected with the same, or to commit any criminal offense, shall be guilty of burglary in the second degree. Burglary in the second degree shall be pun-

ished by imprisonment for not less than two years nor more than fifteen years. (Mar. 3, 1901, 31 Stat. 1323, ch. 854, § 823; Dec. 27, 1967, Pub. L. 90-226, § 602, title VI, 81 Stat. 736.)

AMENDMENT

1967—Section 602, Act Dec. 27, 1967, Pub. L. 90-226, amended section to read as above set out. For provisions prior to this amendment see main edition of the code.

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act, [Pub. L. 90-226] commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act, [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025] shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, Provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4-140.

NOTES TO DECISIONS

Evidence—Sufficiency

Evidence of eyewitness, corroborated by physical details otherwise in evidence, supported verdicts finding defendants guilty of first-degree murder and housebreaking. *R. T. Brown, J. D. Irby and R. L. Jones v. United States* (1967, 375 F. 2d 310, — U.S. App. D.C. —).

Instructions

Where defense counsel, in response to inquiry by federal District Court in prosecution for housebreaking, expressed satisfaction with instructions given, and defendant was convicted on strong evidence, defendant could not require Court of Appeals to exercise discretion available under provision of Federal Rule of Criminal Procedure that plain errors or defects affecting substantial rights may be noticed though they were not brought to attention of court. *H. Manning v. United States* (1966, 371 F. 2d 353, 125 U.S. App. D.C. 256).

Chapter 20.—OBSCENITY

Sec.

22-2001. Certain obscene activities and conduct declared unlawful—Definitions—Penalties—Affirmative defenses—Exception.

§ 22-2001. Certain obscene activities and conduct declared unlawful—Definitions—Penalties—Affirmative defenses—Exception.

(a)(1) It shall be unlawful in the District of Columbia for a person knowingly—

(A) to sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute, or provide any obscene, indecent, or filthy writing, picture, sound recording, or other article or representation;

(B) to present, direct, act in, or otherwise participate in the preparation or presentation of, any obscene, indecent, or filthy play, dance, motion picture, or other performance;

(C) to pose for, model for, print, record, compose, edit, write, publish, or otherwise participate

in preparing for publication, exhibition, or sale, any obscene, indecent, or filthy writing, picture, sound recording, or other article or representation;

(D) to sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute or provide any article, thing, or device which is intended for or represented as being for indecent or immoral use;

(E) to create, buy, procure, or possess any matter described in the preceding subparagraphs of this paragraph with intent to disseminate such matter in violation of this subsection;

(F) to advertise or otherwise promote the sale of any matter described in the preceding subparagraphs of this paragraph; or

(G) to advertise or otherwise promote the sale of material represented or held out by such person to be obscene.

(2) (A) For purposes of subparagraph (E) of paragraph (1) of this subsection, the creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment of obscenity specially adapted for reproducing multiple copies or the possession of more than three copies, of obscene, indecent, or filthy material shall be prima facie evidence of an intent to disseminate such material in violation of this subsection.

(B) For purposes of paragraph (1) of this subsection, the term "knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of, the character and content of any article, thing, device, performance, or representation described in paragraph (1) of this subsection which is reasonably susceptible of examination.

(3) When any person is convicted of a violation of this subsection, the court in its judgment of conviction may, in addition to the penalty prescribed, order the confiscation and disposal of any materials described in paragraph (1), which were named in the charge against such person and which were found in the possession or under the control of such person at the time of his arrest.

(b)(1) It shall be unlawful in the District of Columbia for any person knowingly—

(A) to sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute, or provide to a minor—

(i) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body, which depicts nudity, sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors; or

(ii) any book, magazine, or other printed matter however reproduced or sound recording, which depicts nudity, sexual conduct, or sado-masochistic abuse or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it affronts

prevailing standards in the adult community as a whole with respect to what is suitable material for minors; or

(B) to exhibit to a minor, or to sell or provide to a minor an admission ticket to, or pass to, or to admit a minor to, premises whereon there is exhibited, a motion picture, show, or other presentation which, in whole or in part, depicts nudity, sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors.

(2) For purposes of paragraph (1) of this subsection:

(A) The term "minor" means any person under the age of seventeen years.

(B) The term "nudity" includes the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

(C) The term "sexual conduct" includes acts of sodomy, masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

(D) The term "sexual excitement" includes the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(E) The term "sado-masochistic abuse" includes flagellation or torture by or upon a person clad in undergarments or a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

(F) The term "knowingly" means having a general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both of—

(i) the character and content of any material described in paragraph (1) of this subsection which is reasonably susceptible of examination by the defendant; and

(ii) the age of the minor.

(c) It shall be an affirmative defense to a charge of violating subsection (a) or (b) of this section that the dissemination was to institutions or individuals having scientific, educational, or other special justification for possession of such material.

(d) Nothing in this section shall apply to a licensee under the Communications Act of 1934 while engaged in activities regulated pursuant to such Act.

(e) A person convicted of violating subsection (a) or (b) of this section shall for the first offense be fined not more than \$3,000 or imprisoned not more than one year, or both. A person convicted of a second or subsequent offense under subsection (a) or (b) of this section shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned not less than six months or more than three years, or both. (Mar. 3, 1901, 31 Stat. 1332, ch. 854, § 872; Dec. 27, 1967, Pub. L. 90-226, § 606, title VI, 81 Stat. 738.)

REFERENCE IN TEXT

The Communication Act of 1934, referred to in subsection (d) is set out in Chapter 5 of title 47, U.S. Code.

AMENDMENT

1967—Section 606, Act Dec. 27, 1967, Pub. L. 90-226, amended section to read as above set out. For provisions of section prior to this amendment see main edition of the code.

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided: Whoever, prior to the date of enactment of this Act [Pub. L. 90-226], commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025], shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided: If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

CROSS REFERENCE

For other provisions dealing with lewd, indecent or obscene acts, see sec. 22-1112.

NOTES TO DECISIONS

Government's burden of proof

In obscenity case involving question of whether a local burlesque show was obscene, Government was required to offer competent evidence to prove relevant community standards prevailing in nation generally, and by failing to do so, Government failed to establish an essential element of the crime charged. *L. M. Hudson et al. v. United States* (D.C. App. 1967, 234 A.2d 903).

"Obscene" defined

As used in statutory language, the word "obscene" is intended to have a meaning that varies from time to time as general notions of decency in attire and conduct of exhibitions for public entertainment tend to change. *L. M. Hudson et al. v. United States* (D.C. App. 1967, 234 A.2d 903).

In the District of Columbia, community standards in obscenity cases shall be determined by a reference to contemporary community standards in the nation as a whole. *Id.*

Chapter 22.—LARCENY—RECEIVING STOLEN GOODS

§ 22-2201. Grand larceny.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4-140.

NOTES TO DECISIONS

Withholding of evidence by government

Record in proceeding for habeas corpus or new trial alleging that evidence in government's possession was not disclosed at petitioner's trial on charge of grand larceny by trick established that government was not negligent in not disclosing evidence consisting of check drawn by bank to replenish its supply of \$1,000 bills and statement of bank officer relating to alleged exchange of \$1,000 bills for \$20 bills, but rather established that such information was not sufficiently probative or material to require disclosure to defense. *M. M. Levin v. N. deB. Katzenbach* (1966, 262 F. Supp. 951).

Record in proceeding for habeas corpus or new trial alleging that evidence in government's possession was not disclosed at petitioner's trial on charge of grand larceny by trick failed to establish that jury might have been led to entertain reasonable doubt as to petitioner's guilt had defense been able to show that bank officers did not remember changing \$1,000 bills, which were subject of alleged larceny, into smaller ones. *Id.*

§ 22-2202. Petit larceny—Order of restitution.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23-306.

NOTES TO DECISIONS

Applicability of Miranda rule

Principles of Miranda did not apply to statements made by defendant, when he was stopped and asked if automobile was his, and if the property taken from the automobile belonged to him, and asked the license number of the automobile, where appellant was detained only because officer felt his conduct required investigation and defendant was questioned briefly and his answers were uncoerced and voluntary. This does not constitute custodial interrogation. *T. A. Green v. United States* (D.C. App. 1967, 234 A. 2d 177).

Criminal intent

The fact that defendant placed meat in shopping bag in self-service store did not provide valid reason for trial court in prosecution for petit larceny to infer a criminal intent or a possession clearly adverse to interests of store, where an attempt by defendant to conceal the meat was not proven. *S. A. Durphy v. United States* (D.C. App. 1967, 235 A. 2d 326).

Evidence of prior conviction

Allowing government to question defendant accused of petit larceny as to his former larceny convictions did not constitute an abuse of discretion in view of fact that trial judge fully instructed jury that they were to consider such evidence only in connection with their evaluation of credence to be given defendant's testimony and that prior convictions were in no way evidence of defendant's guilt of present charge. *F. Ginyard v. United States* (D.C. App. 1967, 232 A. 2d 590).

Evidence—Sufficiency

Evidence was insufficient to sustain petit larceny conviction of defendant who placed meat in shopping bag in self-service store. *S. A. Durphy v. United States* (D.C. App. 1967, 235 A. 2d 326).

On the record the evidence was sufficient to sustain defendant's conviction of petit larceny in taking property from parked automobile. *T. A. Green v. United States* (D.C. App. 1967, 234 A. 2d 177).

Evidence, including evidence as to exclusive control or possession of television in defendant, sustained conviction for unlawful entry and petit larceny. *J. L. Benbow v. United States* (D.C. App. 1967, 227 A. 2d 772).

Cigarettes found in defendants' possession, with same "wholesale numbers" as cigarettes left in store, but not otherwise identified as having come from store, had little, if any, probative value. *S. C. Davis and C. L. Colbert v. United States* (D.C. App. 1967, 230 A. 2d 485).

Evidence of defendants' physical and chronological proximity to scene of housebreaking, and their leaving at a trot, was insufficient to sustain conviction for attempted housebreaking and petit larceny. *Id.*

Conviction of petit larceny for taking money by means of "film-flam" operation in which alleged accomplice persuaded victim to give him his money to be hidden in a handkerchief was not supported by evidence in absence of showing that any words were spoken by defendant implicating him in the crime, that any inducements were made to victim by defendant, that defendant put any money in the handkerchief, that defendant had anything to do with the hiding or that there was any criminal association or conspiracy between purported accomplice and defendant. *C. E. McMillan v. United States* (D.C. App. 1967, 230 A. 2d 715).

Evidence was ample to establish the offenses of petit larceny beyond a reasonable doubt. *V. J. Bond, Jr. v. United States* (D.C. App. 1967, 233 A. 2d 506).

Instructions

Instructions given by trial judge in prosecution for petit larceny was comprehensive and clearly presented to jury the elements of asportation and intent. *F. Ginyard v. United States* (D.C. App. 1967, 232 A. 2d 590).

Review

The question of appellant's guilt or innocence turned solely on credibility of witnesses, and issue was to be determined by trier of fact and was not subject to review. *T. A. Green v. United States* (D.C. App. 1967, 234 A. 2d 177).

Right to stenographic record

Where reviewing court was supplied with statement which presented in considerable detail events of the trial, the testimony, and ruling of the trial judge, and furnished counsel with complete picture of proceedings, defendants were not prejudiced by failure to have the case stenographically reported and were not entitled to have their convictions for petit larceny and larceny from interstate shipment set aside. *F. House and S. Brandon v. United States* (D.C. App. 1967, 234 A. 2d 805).

§ 22-2204. Unauthorized use of vehicles.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4-140.

NOTES TO DECISIONS

Attempted unauthorized use of motor vehicle

Attempted unauthorized use of a motor vehicle is a crime under statutes prohibiting the taking, use, operation, or removal of a vehicle without owner's consent and calling for punishment of whoever shall attempt to commit any crime, which attempt is not otherwise punishable. *B. O. Greenwood III v. United States* (D.C. App. 1967, 225 A. 2d 878).

Dismissal with prejudice

Dismissal, with prejudice, of indictment charging defendant with unauthorized use of a vehicle constituted adjudication barring another prosecution for same offense. *J. H. White, Jr. v. United States* (1967, 377 F. 2d 948, — U.S. App. D.C. —).

Evidence

Evidence supported conviction for attempted unauthorized use of motor vehicle. *B. O. Greenwood III v. United States* (D.C. App. 1967, 225 A. 2d 878).

Evidence supported conviction for attempted unauthorized use of automobile. *N. Dickson v. United States* (D.C. App. 1967, 226 A. 2d 364).

— Sufficiency

The record contains sufficient evidence from which the jury could have found or inferred that the car left by owner in the parking garage and the one driven onto the parking lot by appellant were one and the same. *F. E. Wesley v. United States* (D.C. App. 1967, 233 A. 2d 514).

Lapse of time between theft and arrest

Lapse of five days between theft of automobile and arrest of defendant operating it did not insulate him from criminal liability for attempted unauthorized use of motor vehicle. *B. O. Greenwood III v. United States* (D.C. App. 1967, 225 A. 2d 878).

Proof of ownership

Any failure of prosecution to show who owned automobile involved in prosecution for attempted unauthorized use of motor vehicle did not preclude conviction where it was established that ownership was in some third party. *N. Dickson v. United States* (D.C. App. 1967, 226 A. 2d 364).

Review

Defendant could not be heard to complain on appeal of conviction for attempted unauthorized use of motor vehicle in view of proof of completion of offense of unauthorized use of the vehicle. *B. O. Greenwood III v. United States* (D.C. App. 1967, 225 A. 2d 878).

§ 22-2205. Receiving stolen goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4-140.

NOTES TO DECISIONS

Instructions

Where instruction on possession in prosecution for receiving stolen goods was full and complete, and defense counsel indicated that he would accept court's ruling on the question, refusal to instruct that defendant must have had exclusive possession was not ground for reversal. *F. H. Scott v. United States* (D.C. App. 1967, 228 A. 2d 637).

Chapter 23.—LIBEL—BLACKMAIL

§ 22-2301. Libel.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-2302.

Chapter 24.—MURDER—MANSLAUGHTER

§ 22-2401. Murder in the first degree—Purposeful killing—Killing while perpetrating certain crimes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-2403.

NOTES TO DECISIONS

Acquittal

Where government was unable to show any motive for killing of victim nor was there any showing of prior threats or quarrels which might supply inference of premeditation and deliberation in defendant's killing of victim by multiple stab wounds inflicted with knife defendant had been carrying with him that night, government's evidence was insufficient to warrant submission of an issue of premeditation and deliberation to jury and defendant's motion for acquittal of first-degree murder should have been granted at conclusion of prosecution's case. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

Appreciable time

"Appreciable time" charge in homicide prosecution is a meaningful way to convey to jury the core meaning of premeditation and deliberation and for that reason should be given at least where specifically requested by defense. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

Court's refusal in homicide prosecution to state that the time one must have for deliberation be "some appreciable period of time" rather than "some period of time" as originally proposed by judge was compounded by charge of court that the time to deliberate may be in the nature of hours, minutes or seconds. *Id.*

Evidence—Admissibility

Suspicion of codefendants charged with first-degree murder that some understanding existed that witness, who had also participated in alleged murder, might not be prosecuted or that he believed he would not be, was not sufficient to exclude his otherwise admissible testimony as to details of crime. *R. T. Brown, J. D. Irby and R. L. Jones v. United States* (1967, 375 F. 2d 310, — U.S. App. D.C. —).

— Sufficiency

Accused who put on defense to first-degree murder case did not thereby waive earlier motion for acquittal or expose himself to death penalty which government was not entitled to pursue in view of fact that at close of prosecution's case defendant was entitled to acquittal of first-degree murder charge because evidence adduced by prosecution was not sufficient to permit a reasonable man to find that elements of first-degree murder existed beyond reasonable doubt. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

Evidence of eyewitness, corroborated by physical details otherwise in evidence, supported verdicts finding defendants guilty of first-degree murder and housebreaking. *R. T. Brown, J. D. Irby and R. L. Jones v. United States* (1967, 375 F. 2d 310, — U.S. App. D.C. —).

First degree murder defined

First-degree murder requires premeditation and deliberation and covers calculated and planned killings while homicides that are unplanned or impulsive, even though they are intentional and with malice aforethought, are

murder in the second degree. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

Intentional murder is in the first degree if committed in cold blood and is murder in the second degree if committed on impulse or in the sudden heat of passion. *Id.*

Instructions

Charge in homicide prosecution should focus primarily on defendant's actual thought processes in terms of meditation and conscious weighing of alternatives and the appreciable time element is subordinate, necessary for but not sufficient to establish deliberation. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

Analysis of jury would be illuminated if it is first advised that a typical case of first-degree murder is the murder in cold blood while murder committed on impulse or in sudden passion is murder in the second degree, and then instructed that a homicide conceived in passion constitutes murder in the first degree only if jury is convinced beyond a reasonable doubt that there was an appreciable time after design was conceived and that in this interval there was further thought and a turning over in the mind and not mere persistence of an initial impulse of passion. *Id.*

Unlawful killing

Unlawful killing in sudden heat of passion, whether produced by rage, resentment, anger, terror or fear is reduced from murder to manslaughter only if there was adequate provocation, such as might naturally induce a reasonable man in passion of the moment to lose some self-control and commit act on impulse and without reflection. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

§ 22-2402. Murder in first degree—Placing obstructions upon or displacement of railroad.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-2403.

§ 22-2403. Murder in second degree.

NOTES TO DECISIONS

Acquittal

Where government was unable to show any motive for killing of victim nor was there any showing of prior threats or quarrels which might supply inference of premeditation and deliberation in defendant's killing of victim by multiple stab wounds inflicted with knife defendant had been carrying with him that night, government's evidence was insufficient to warrant submission of an issue of premeditation and deliberation to jury and defendant's motion for acquittal of first-degree murder should have been granted at conclusion of prosecution's case. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

Appreciable time

"Appreciable time" charge in homicide prosecution is a meaningful way to convey to jury the core meaning of premeditation and deliberation and for that reason should be given at least where specifically requested by defense. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

Court's refusal in homicide prosecution to state that the time one must have for deliberation be "some appreciable period of time" rather than "some period of time" as originally proposed by judge was compounded by charge of court that the time to deliberate may be in the nature of hours, minutes, or seconds. *Id.*

Evidence—Sufficiency

Accused who put on defense to first-degree murder case did not thereby waive earlier motion for acquittal or expose himself to death penalty which government was not entitled to pursue in view of fact that at close of prosecution's case defendant was entitled to acquittal of first-degree murder charge because evidence adduced by prosecution was not sufficient to permit a reasonable man to find that elements of first-degree murder existed beyond reasonable doubt. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

First degree murder defined

First-degree murder requires premeditation and deliberation and covers calculated and planned killings while homicides that are unplanned or impulsive, even though they are intentional and with malice aforethought, are murder in the second degree. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

Intentional murder is in the first degree if committed in cold blood and is murder in the second degree if committed on impulse or in the sudden heat of passion. *Id.*

Impeachment

Failure of judge to exercise his discretion in admitting or refusing to admit as impeaching evidence three prior assaults of appellant, will not be a basis for reversing conviction. *T. D. Lewis v. United States* (1967, 381 F. 2d 894, — U.S. App. D.C. —).

Instructions

Charge in homicide prosecution should focus primarily on defendant's actual thought processes in terms of meditation and conscious weighing of alternatives and the appreciable time element is subordinate, necessary for but not sufficient to establish deliberation. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

Analysis of jury would be illuminated if it is first advised that a typical case of first-degree murder is the murder in cold blood while murder committed on impulse or in sudden passion is murder in the second degree, and then instructed that a homicide conceived in passion constitutes murder in the first degree only if jury is convinced beyond a reasonable doubt that there was an appreciable time after design was conceived and that in this interval there was further thought and a turning over in the mind and not mere persistence of an initial impulse of passion. *Id.*

Unlawful killing

Unlawful killing in sudden heat of passion, whether produced by rage, resentment, anger, terror or fear is reduced from murder to manslaughter only if there was adequate provocation, such as might naturally induce a reasonable man in passion of the moment to lose some self-control and commit act on impulse and without reflection. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

§ 22-2404. Punishment for murder in first and second degrees.**NOTES TO DECISIONS****Appreciable time**

"Appreciable time" charge in homicide prosecution is a meaningful way to convey to jury the core meaning of premeditation and deliberation and for that reason should be given at least where specifically requested by defense. *B. Austin v. United States* (1967, 382 F. 2d 129, — U.S. App. D.C. —).

Court's refusal in homicide prosecution to state that the time one must have for deliberation be "some appreciable period of time" rather than "some period of time" as originally proposed by judge was compounded by charge of court that the time to deliberate may be in the nature of hours, minutes or seconds. *Id.*

§ 22-2405. Punishment for manslaughter.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 40-609a.

Chapter 25.—PERJURY**§ 22-2501. Perjury—Subornation of perjury.****SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 47-1203.

Chapter 26.—PRISON BREACH—MISPRISIONS**§ 22-2601. Prison breach.****SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 24-203, 24-207.

Chapter 27.—PROSTITUTION—PANDERING**§ 22-2701. Prostitution—Inviting for purposes of, prohibited.****SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 22-2703, 22-3203.

NOTES TO DECISIONS**Double jeopardy**

Judgments were required to be vacated and nolle prosequi entered in cases which had been pending before Court of General Sessions where government's action in entering the nolle prosequi could not be characterized as an abuse of its power, and to allow government to file new informations at a subsequent date would not violate double jeopardy clause of Fifth Amendment. *United States v. B. H. Foster* (D.C. App. 1967, 226 A. 2d 164).

§ 22-2707. Procurer—Punishment for receiving money or other valuable thing for arranging assignation or debauchery—Penalty.**NOTES TO DECISIONS****Corroborating witness**

Failure of prosecution to produce second officer who as a corroborating witness could only have testified to time and place of defendant's arrest for attempted procuring because he did not hear conversation between arresting officer and defendant was not error in view of prosecution's effort to secure a continuance because second officer was in another court and defendant's then counsel's willingness to proceed to trial in second officer's absence. *R. Blakney v. United States* (D.C. App. 1967, 225 A. 2d 654).

§§ 22-2710 to 2712.**SECTIONS REFERRED TO IN OTHER SECTIONS**

These sections are referred to in section 22-2714.

§ 22-2713. Premises occupied for lewdness, assignation, or prostitution declared nuisance.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 22-2714, 22-2717, 22-2720, 22-2721.

§ 22-2714. Abatement of nuisance under section 22-2713 by injunction—Temporary injunction—Effect of injunction.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 22-2716, 22-2717, 22-2720, 22-2721.

§§ 22-2715, 22-2716.**SECTIONS REFERRED TO IN OTHER SECTIONS**

These sections are referred to in sections 22-2714, 22-2717, 22-2720, 22-2721.

§ 22-2717. Order of abatement—Sale of property—Entry of closed premises punishable as contempt.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 22-2714, 22-2718, 22-2720, 22-2721.

§ 22-2718. Disposition of proceeds of sale.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 22-2714, 22-2717, 22-2720, 22-2721.

§ 22-2719. Bond for abatement—Order for delivery of premises—Effect of release.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 22-2717, 22-2720, 22-2721.

§ 22-2720. Tax for maintaining such nuisance.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 22-2717, 22-2721.

§ 22-2721. Granting immunity to witnesses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-2717, 22-2720.

§ 22-2722. Keeping bawdy or disorderly houses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-2721, 22-3203.

Chapter 28.—RAPE

§ 22-2801. Definition and penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3501, 24-203.

Chapter 29.—ROBBERY

§ 22-2901. Robbery.

Whoever by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, shall take from the person or immediate actual possession of another anything of value, is guilty of robbery, and any person convicted thereof shall suffer imprisonment for not less than two years nor more than fifteen years. (Mar. 3, 1901, 31 Stat. 1322, ch. 854, § 810; Dec. 27, 1967, Pub. L. 90-226, § 603, title VI, 81 Stat. 737.)

AMENDMENT

1967—Section 603, Act Dec. 27, 1967, Pub. L. 90-226, amended section by striking out "six months" and inserting "two years".

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date on enactment of this Act [Pub. L. 90-226], commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025] shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-2902.

NOTES TO DECISIONS

Consecutive sentences

It is proper to increase punishment where there have been convictions under the conventional robbery statute and under statute prohibiting assaults with a dangerous weapon by imposing consecutive sentences. *United States v. J. L. Suggs and C. Blair* (1967, 269 F. Supp. 732).

Defendant, who allegedly committed crime of assault with a dangerous weapon in parking lot of store or near door to store, and who allegedly committed a robbery in office of store could be given consecutive sentences upon being convicted for both crimes. *Id.*

Intent to commit other crime

There is no statutory requirement for either robbery or assault with a dangerous weapon, that there be a specific intent to commit the other. *United States v. J. L. Suggs and C. Blair* (1967, 269 F. Supp. 732).

Revocation of probation

Where trial court had imposed a suspended sentence conditioned upon satisfactory completion of three years on probation after conviction of robbery, such probation was revoked on request of United States Probation Officer and on appeal the Court of Appeals remanded the case for preparation of statement of evidence, reporter's notes of hearing being unavailable, and parties were unable to reconstruct such statement and a de novo hearing was held and sentencing judge reaffirmed the revocation of probation, the revocation was not an abuse of discretion. *T. Hurt v. United States* (1966, 374 F. 2d 283, — U.S. App. D.C. —).

Chapter 31.—TRESPASS—INJURIES TO PROPERTY

§ 22-3102. Unlawful entry on property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4-140.

NOTES TO DECISIONS

Bona fide entry

Person who enters building for good purpose and with bona fide belief of his right to enter is not guilty of an unlawful entry in violation of District of Columbia statute. *T. J. McGloin v. United States* (D.C. App. 1967, 232 A. 2d 90).

Concurrent sentences

Where defendants received concurrent sentences in prosecution for possession of narcotics, possession of implements of crime, unlawful entry and narcotics vagrancy and evidence was sufficient to support conviction of possession of narcotics and possession of implements of crime, District of Columbia Court of Appeals would not pass upon sufficiency of evidence to support other convictions. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Custodial interrogation

Questions addressed to three defendants by arresting officers seeking an explanation for defendants' being in condemned house were noncoercive and not "custodial interrogation" within rule of *Miranda v. State of Arizona*. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Duty to arrest

When police detectives saw narcotics paraphernalia in possession of defendants, officers were under statutory duty to arrest the offenders immediately. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Elements of offense

Defendant who was found wandering by police officer inside of four-unit apartment building and on the roof and fire escape thereof could properly be convicted of unlawful entry under District of Columbia statute without showing that owner had not given an express warning that he should stay out of building. *T. J. McGloin v. United States* (D.C. App. 1967, 232 A. 2d 90).

Evidence—Admissibility

Where defendants' arrest for narcotics violations was legal, narcotics paraphernalia seized at time of the arrest was properly admitted in defendants' joint trial for narcotics violations. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

— Sufficiency

Evidence, including evidence as to exclusive control or possession of television in defendant, sustained conviction for unlawful entry and petit larceny. *J. L. Benboro v. United States* (D.C. App. 1967, 227 A. 2d 772).

Evidence supported conviction for unlawful entry. *L. Perry v. United States* (D.C. App. 1967, 230 A. 2d 721).

Evidence, which showed that appellant was found in parts of the airlines' offices which were not open to the public and where he had no right to be, sustained conviction for unlawful entry. *V. J. Bond, Jr. v. United States* (D.C. App. 1967, 233 A. 2d 506).

§ 22-3105. Placing explosives with intent to destroy or injure property.

Whoever places, or causes to be placed, in, upon, under, against, or near to any building, car, vessel, monument, statue, or structure, gunpowder or any explosive substance of any kind whatsoever, with intent to destroy, throw down, or injure the whole or any part thereof, although no damage is done, shall be punished by a fine not exceeding one thousand dollars and by imprisonment for not less than two years or more than ten years. (Mar. 3, 1901, ch. 854, § 825a, as added Mar. 3, 1905, 33 Stat. 1033, ch. 1461; Dec. 27, 1967, Pub. L. 90-226, § 607, title VI, 81 Stat. 739.)

AMENDMENT

1967—Section 607, Act Dec. 27, 1967, Pub. L. 90-226, amended section by striking out “or by imprisonment not exceeding ten years.”, and inserting in lieu, “and by imprisonment for not less than two years or more than ten years.”

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act, [Pub. L. 90-226] commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act, [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025] shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above, under heading, “Sentence for offenses committed prior to Dec. 27, 1967.”] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

§ 22-3111. Disorderly conduct in public buildings or grounds—Injury to or destruction of United States property.

Any person guilty of disorderly and unlawful conduct in or about the public buildings and public grounds belonging to the United States within the District of Columbia, or who shall wilfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States, or any other part of the public grounds or lots belonging to the United States in the District of Columbia, shall be fined not more than \$500, or imprisoned not more than six months, or both. (July 29, 1892, 27 Stat. 325, ch. 320, § 15; Oct. 20, 1967, Pub. L. 90-108, § 2, 81 Stat. 277.)

AMENDMENTS

1967—Section 2, Pub. L. 90-108, amended section by striking out “shall, upon conviction thereof, be fined not more than \$50.” and inserted in lieu thereof “shall be fined not more than \$500, or imprisoned not more than six months or both.”

PROSECUTION OF PRIOR VIOLATIONS NOT AFFECTED BY OCT. 20, 1967, AMENDMENT. APPLICABILITY OF PUB. L. 90-108 TO VIOLATIONS OCCURRING AFTER OCT. 20, 1967

P. L. 90-108, section 3 provided as follows:

“Prosecutions for violations of sections 9-118 to 9-126, 9-127 to 9-132 and of section 22-3111 occurring prior to the enactment of these amendments [Amendments to sections 9-118, 9-123, 9-125, 9-132 and 22-3111] shall not be affected by these amendments or abated by reason thereof. The provisions of this Act [Amendments to sections 9-118, 9-123, 9-125, 9-132 and 22-3111] shall be applicable to violations occurring after its enactment.”

CODIFICATION

This section contains the last part of act July 29, 1892. The first part of § 15 of the act appears herein as § 4-120. Section is also classified to 40 U.S.C. § 101.

§ 22-3121. Obstructing public highway.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-3122.

Chapter 32.—WEAPONS

§ 22-3201. Possession, sale, transfer, and use of dangerous weapons—Definition.

* * * * *

“Crime of violence,” as used in this chapter, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, robbery, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary. (July 8, 1932, 47 Stat. 650, ch. 465, § 1; Dec. 27, 1967, Pub. L. 90-226, § 501, title V, 81 Stat. 736.)

AMENDMENT

1967—Section 501, Act Dec. 27, 1967, Pub. L. 90-226 amended the definition “Crime of violence” by adding “robbery” thereto.

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act [Pub. L. 90-226], commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act, [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301, and enactments of sections 4-140a, 4-150a, and 22-1122, and amendments of 18 U.S.C. 4122, 5024, and 5025] shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, “Sentence for offenses committed prior to Dec. 27, 1967.”] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 24-203.

§ 22-3202. Committing crime when armed—Added punishment.

If any person shall commit a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, or other

dangerous or deadly weapon, including but not limited to, sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, metallic or other false knuckles, he may in addition to the punishment provided for the crime be punished by imprisonment for an indeterminate number of years up to life as determined by the court. If a person is convicted more than once of having committed a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, or other dangerous or deadly weapon, including but not limited to, sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, metallic or other false knuckles, then, notwithstanding any other provision of law, the court shall not suspend his sentence or give him a probationary sentence. (July 2, 1932, 47 Stat. 650, ch. 465, § 2; Dec. 27, 1967, Pub. L. 90-226, § 605, title VI, 81 Stat. 737.)

AMENDMENT

1967—Section 605, Act Dec. 27, 1967, Pub. L. 90-226, amended section to read as above set out. For provisions of section prior to this amendment, see main edition of the code.

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided: Whoever, prior to the date of enactment of this Act, [Pub. L. 90-226] commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act, [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025] shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided: If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above, under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 24-203.

§ 22-3203. Unlawful possession of a pistol.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3207, 22-3208, 22-3210, 23-306, 24-203.

§ 22-3204. Carrying concealed weapons.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 22-3205, 23-306.

NOTES TO DECISIONS

Appeal and error

Where record showed that defendant was found in possession of concealed weapon and his own testimony on trial confirmed such fact, absence of indication that defendant made informed decision, after appropriate advice, to proceed with joint counsel did not require reversal of conviction for carrying concealed weapon. *F. J. Ford v. United States of America* (1967, 379 F. 2d 123, — U.S. App. D.C. —).

Continuance

The granting or refusal of a continuance is largely left to discretion of the trial judge, and his decision will not be disturbed without a clear showing of abuse in the exercise of that discretion. *W. E. Smith v. United States* (D.C. App. 1967, 235 A. 2d 574).

Deadly weapon

Hawk-billed linoleum clasp knife with three and a half-inch blade altered to open 270 degrees was properly determined to be a "deadly weapon" and was unlawfully carried. *L. Perry v. United States* (D.C. App. 1967, 230 A. 2d 721).

Delay in charging defendant with felony

The United States Attorney has responsible role in implementing possibility that crimes of violence may be deterred by visiting severe punishment upon convicted felon later found carrying deadly weapon. *R. W. Epperson v. United States* (1967, 371 F. 2d 956, 125 U.S. App. D.C. 303).

The courts will not skimp in affording prosecutor opportunity to obtain and appraise prior record of accused in order to determine whether to seek felony conviction for carrying dangerous weapon without license. *Id.*

Evidence—Admissibility

Photographs of fingerprints discovered at scene of crime and identified as defendant's on basis of prints of defendant retained after prior conviction, did not render them inadmissible, on ground that his conviction for earlier crime had been set aside pursuant to provisions of Youth Corrections Act. *M. C. Stevenson and E. S. Borum v. United States* (1967, 380 F. 2d 590, — U.S. App. D.C. —).

— Sufficiency

Evidence supported conviction for carrying dangerous weapon without license. *R. W. Epperson v. United States* (1967, 371 F. 2d 956, 125 U.S. App. D.C. 303).

Evidence supported conviction for carrying a deadly weapon. *L. Perry v. United States* (D.C. App. 1967, 230 A. 2d 721).

Role of United States Attorney

Delay of almost three months between charging defendant with misdemeanor of carrying deadly weapon and charging him instead with felony of carrying dangerous weapon after having previously been convicted of felony was not objectionable although prosecutor knew the day after arrest that defendant could be held for felony because of previous conviction in District of Columbia of carrying a deadly weapon, in view of time it took to obtain so-called "rap sheet" from F.B.I. showing defendant's felony record outside the District. *R. W. Epperson v. United States* (1967, 371 F. 2d 956, 125 U.S. App. D.C. 303).

Sentences

Where general sentence imposed following convictions for robbery, assault with a dangerous weapon, and carrying concealed weapon was in excess of statutory maximum for carrying concealed weapon, and convictions for robbery and assault with dangerous weapon were required to be reversed because of absence of indication that defendant made informed decision, after appropriate advice, to proceed with joint counsel, case would be remanded for resentencing on count of carrying concealed weapon. *F. J. Ford v. United States of America* (1967, 379 F. 2d 123, — U.S. App. D.C. —).

§§ 22-3205 to 22-3208.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 22-3203.

§ 22-3209. Dealers of weapons to be licensed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 22-3210.

§ 22-3210. Licenses of dealers of weapons—Records—By whom granted—Conditions thereof.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 22-3209, 22-3214.

§§ 22-3211 to 22-3213.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 22-3203.

§ 22-3214. Possession of certain dangerous weapons prohibited—Exceptions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9-132, 22-3203, 22-3208, 22-3210, 23-306.

§ 22-3215. Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 22-3204, 22-3214.

§ 22-3216. Separability of provisions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-3203.

Chapter 33.—VAGRANCY

§ 22-3302. "Vagrants" defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 22-3303 to 22-3306, 33-416a.

NOTES TO DECISIONS

Constitutionality

Since under the Narcotics Vagrancy and General Vagrancy Statutes anyone using street for a lawful business in a lawful manner may do so without restriction, statutes are not an unreasonable restriction on freedom of movement in violation of due process clause of Fifth Amendment. *H. M. Ricks and J. N. Williams v. United States; H. M. Ricks v. District of Columbia* (D.C. App. 1967, 228 A. 2d 316).

Convictions for violation of Narcotics Vagrancy and General Vagrancy Statutes were not invalid on ground that defendants were being punished solely for their status as vagrants. *Id.*

Convictions of defendants for violation of Narcotics Vagrancy and General Vagrancy Statutes on proof showing defendants' associations with known narcotics users and prostitutes did not violate Eighth Amendment's prohibition against cruel and unusual punishment despite claim that there was an absence of any overt criminal act. *Id.*

Construction

Vagrancy statute, because it defines a crime, must be construed narrowly in favor of defendant. *J. Johnson v. District of Columbia* (D.C. App. 1967, 230 A. 2d 483).

Construction

When an individual is unable to give a good account to police when wandering at late and unusual hours and is associated with criminals or narcotics addicts and is not lawfully employed, these factors, together with others enumerated in statutes, constitute probable cause for arrest for vagrancy. *H. M. Ricks and J. N. Williams v. United States; H. M. Ricks v. District of Columbia* (D.C. App. 1967, 228 A. 2d 316).

Vagrancy statutes were not invalid on ground that they were "catch-alls" used when other crimes could not be proven or that they allegedly required a lesser quantum of proof to convict. *Id.*

Word "loitering" as used in Narcotics Vagrancy and General Vagrancy Statutes was not unconstitutionally vague, particularly where additional conditions were necessary to constitute offense. *Id.*

Reference to "failure to give a good account" as used in Narcotics Vagrancy and General Vagrancy Statutes restricts rather than enlarges application of statutes and allows suspected vagrant to dissipate probable cause by satisfactorily explaining his conduct, and the arresting officer is not the only one who must evaluate account given by person questioned. *Id.*

Narcotics Vagrancy and General Vagrancy Statutes delineate with specificity what vagrancy is, and the definitions are neither numerous nor susceptible to widely divergent interpretations. *Id.*

Evidence—Circumstantial

Circumstantial evidence may sustain vagrancy conviction, but inferential proof of ultimate fact may not be based upon mere possibility, speculation or conjecture. *J. Johnson v. District of Columbia* (D.C. App. 1967, 230 A. 2d 483).

— Sufficiency

Evidence, including evidence that female defendant, while sober, well-behaved, and decently attired, was seen flagging down automobiles in early morning hours, was insufficient to sustain conviction for vagrancy. *J. Johnson v. District of Columbia* (D.C. App. 1967, 230 A. 2d 483).

Prior convictions

One can be found guilty of violating either Narcotics Vagrancy Statute or the General Vagrancy Statute without having been previously convicted. *H. M. Ricks and J. N. Williams v. United States; H. M. Ricks v. District of Columbia* (D.C. App. 1967, 228 A. 2d 316).

Both the Narcotics Vagrancy Statute and General Vagrancy Statute employ separate paragraphs which disjunctively set up criteria amounting to vagrancy and both require factors, other than prior convictions, which conjunctively amount to violation, so that prior convictions are not essential to all subsections of the statutes. *Id.*

Prior convictions of accused are admissible in prosecution for violation of vagrancy statutes. *Id.*

Narcotics Vagrancy and General Vagrancy Statutes do not improperly require presentation and proof of prior convictions, and do not deny due process and fair trial. *Id.*

Purpose of statute

A course of conduct rather than an overt act is prohibited by the Narcotics Vagrancy and General Vagrancy Statutes. *H. M. Ricks and J. N. Williams v. United States; H. M. Ricks v. District of Columbia* (D.C. App. 1967, 228 A. 2d 316).

Purpose of Narcotics Vagrancy and General Vagrancy Statutes is to prevent crimes which may likely flow from the vagrant's mode of life. *Id.*

§ 22-3303. Prosecutions—Burden of proof to show lawful employment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 22-3304 to 22-3306.

§ 22-3304. Penalty—Conditions imposed by court.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 22-3305, 22-3306.

§ 22-3305. Prosecutions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 22-3304, 22-3306.

§ 22-3306. Right to strike or picket not abrogated.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3203, 22-3304, 22-3305.

Chapter 34.—MISCELLANEOUS

§ 22-3404. Kosher meat—Sale—Labeling—Signs displayed where kosher and nonkosher meats are sold.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3405, 22-3406.

§ 22-3405. Kosher meat—"Meat"—"Person"—Definition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-3406.

§ 22-3406. Kosher meat—Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-3405.

§ 22-3409. Mislabelling potatoes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3410 to 22-3412.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(207) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to establishing rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 22-3410. Mislabelling potatoes—Sign to show grade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3409, 22-3411, 22-3412.

§ 22-3411. Mislabelling potatoes—Law not applicable to seed potatoes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3409, 22-3412.

§ 22-3412. Mislabelling potatoes—Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-3409, 22-3411.

§ 22-3414. Use of flag for advertising purposes—Mutilation of flag.

Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing or any advertisement of any nature upon any flag, standard, colors or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors or ensign upon which shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed or annexed any word, figure, mark, picture, design or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale or to public view or give away or have in possession for sale or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached or otherwise placed a representation of any such flag, standard, colors or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance on which so placed; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such flag, standard, colors or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words "flag, standard, colors, or ensign," as used herein, shall include any flag, standard, colors, ensign or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the

colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard or ensign of the United States of America. (July 30, 1947, ch. 389, 61 Stat. 642.)

CODIFICATION

This section is set out in this supplement to correct an error in the credit line.

§ 22-3416. Sale of unwholesome food prohibited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3417, 22-3419 to 22-3422.

§ 22-3417. "Food" defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3419 to 22-3422.

§ 22-3418. Duty of director of public health.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3417, 22-3419 to 22-3422.

§ 22-3419. Commissioners to make rules and regulations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3417, 22-3420 to 22-3422.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(208) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 22-3420. Prosecutions for violations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3417, 22-3419, 22-3421, 22-3422.

§ 22-3421. Penalty for violation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3417, 22-3419, 22-3420, 22-3422.

§ 22-3422. Sections 22-3416 to 22-3422 supplemental to Federal Food, Drug, and Cosmetic Act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3417, 22-3419 to 22-3421.

§ 22-3423. Use, by private detective or collection agencies, of the words "District of Columbia", "District," the initials "D.C." to create impression that agency represents the District, is prohibited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3424, 22-3425.

§ 22-3424. Penalty for violation of section 22-3423.

Any person who violates section 22-3423 shall be punished by a fine of not more than \$300 or by imprisonment for not more than ninety days, or by both such fine and imprisonment. (Oct. 16, 1962, 76 Stat. 1071, Pub. L. 87-837, § 2.)

CODIFICATION

This section is set out in this supplement to correct a typographical error in the section as it appears in the 1967 edition of the code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 22-3423.

Chapter 35.—SEXUAL PSYCHOPATHS

§ 22-3501. Indecent acts—Children.

NOTES TO DECISIONS

Instructions

Defendant was convicted of an assault on a female under age of 16 with intent to commit carnal knowledge and with taking immoral, improper and indecent liberties with a female under age of 16, in violation of Miller Act, and the court should have given requested instruction that jury should consider count based on Miller Act only if they acquitted on the other count and, although failure to so instruct did not impair verdict under Miller Act, conviction for other offense must be set aside. *H. C. Dozier v. United States* (1967, 382 F. 2d 482, — U.S. App. D.C. —).

Failure of court to instruct on simple assault as less offense under count charging taking immoral, improper, and indecent liberties with female under age of 16 furnished no basis for reversal, as jury was instructed on simple assault as less offense under count charging assault on female under age of 16 with intent to commit carnal knowledge. *Id.*

§ 22-3503. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3505 to 22-3507, 22-3509 to 22-3511.

NOTES TO DECISIONS

Dangerous conduct

Statute defining sexual psychopath as a person who by repeated sexual misconduct evinces inability to control sexual impulses so as to be likely to be dangerous to others requires that the dangerous conduct be not merely repulsive or repugnant but must have serious effect on the viewer. *M. I. Millard v. D. C. Cameron, Sup't etc.* (1966, 373 F. 2d 468, 125 U.S. App. D.C. 383).

§ 22-3504. Filing of statement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3503, 22-3505 to 22-3507, 22-3509 to 22-3511.

§ 22-3505. Right to counsel.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3503, 22-3506, 22-3507, 22-3509 to 22-3511.

§ 22-3506. Examination by psychiatrists.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3503, 22-3505, 22-3507 to 22-3511.

NOTES TO DECISIONS

Hearing

Though sexual psychopath statute requires psychiatric report to include a legal conclusion, it also requires a hearing in which psychiatrist can be examined and cross examined. *M. I. Millard v. D. C. Cameron, Sup't etc.* (1966, 373 F. 2d 468, 125 U.S. App. D.C. 383).

Justification for lack of treatment

One involuntarily committed to public hospital as sexual psychopath is entitled to relief upon showing that he was not receiving reasonably suitable and adequate treatment, and lack of such treatment cannot be justified by lack of staff or facilities. *M. I. Millard v. D. C. Cameron, Sup't etc.* (1966, 373 F. 2d 468, 125 U.S. App. D.C. 383).

Psychiatrists report as basis for commitment

Conclusory statement in psychiatrists' report was insufficient for commitment as sexual psychopath, in absence of full hearing, and court's statement that it acted upon "the testimony and evidence adduced" did not provide adequate assurance that statute had been complied with and that an informed judgment had been made. *M. I.*

Millard v. D. C. Cameron, Sup't etc. (1966, 373 F. 2d 468, 125 U.S. App. D.C. 383).

§ 22-3507. When hearing is required.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3503, 22-3505, 22-3506, 22-3509 to 22-3511.

§ 22-3508. Hearing—Commitment to Saint Elizabeths Hospital.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3503, 22-3505 to 22-3507, 22-3509 to 22-3511.

NOTES TO DECISIONS

Basis for indefinite commitment

Indefinite commitment under sexual psychopath law is justifiable only upon a theory of therapeutic treatment. *M. I. Millard v. D. C. Cameron, Sup't etc.* (1966, 373 F. 2d 468, 125 U.S. App. D.C. 383).

Hearing

Though sexual psychopath statute requires psychiatric report to include a legal conclusion, it also requires a hearing in which psychiatrist can be examined and cross examined. *M. I. Millard v. D. C. Cameron, Sup't etc.* (1966, 373 F. 2d 468, 125 U.S. App. D.C. 383).

Psychiatrists report as basis for commitment

Conclusory statement in psychiatrists' report was insufficient for commitment as sexual psychopath, in absence of full hearing, and court's statement that it acted upon "the testimony and evidence adduced" did not provide adequate assurance that statute had been complied with and that an informed judgment had been made. *M. I. Millard v. D. C. Cameron, Sup't etc.* (1966, 373 F. 2d 468, 125 U.S. App. D.C. 383).

§ 22-3509. Parole—Discharge.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3503, 22-3505 to 22-3508, 22-3510, 22-3511.

NOTES TO DECISIONS

Habeas corpus

Habeas corpus relief would be available to one involuntarily committed to public hospital as sexual psychopath but who is not receiving reasonably suitable and adequate treatment, and lack of such treatment could not be justified by lack of staff or facilities. *M. I. Millard v. D. C. Cameron, Sup't etc.* (1966, 373 F. 2d 468, 125 U.S. App. D.C. 383).

§ 22-3510. Stay of criminal proceedings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3503, 22-3505 to 22-3507, 22-3509, 22-3511.

§ 22-3511. Criminal law unchanged.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-3503, 22-3505 to 22-3507, 22-3509, 22-3510.

Chapter 36.—IMPLEMENTS OF CRIME

§ 22-3601. Possession of implements of crime—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 23-306, 24-203.

NOTES TO DECISIONS

Concurrent sentences

Where defendants received concurrent sentences in prosecution for possession of narcotics, possession of implements of crime, unlawful entry and narcotics vagrancy and evidence was sufficient to support conviction of possession of narcotics and possession of implements of crime, District of Columbia Court of Appeals would not pass upon sufficiency of evidence to support other convictions. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Custodial interrogation

Questions addressed to three defendants by arresting officers seeking an explanation for defendants' being in condemned house were noncoercive and not "custodial interrogation" within rule of *Miranda v. State of Arizona*. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Duty to arrest

When police detectives saw narcotics paraphernalia in possession of defendants, officers were under statutory duty to arrest the offenders immediately. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Evidence—Admissibility

Where defendants' arrest for narcotics violations was legal, narcotics paraphernalia seized at time of the arrest was properly admitted in defendants' joint trial for narcotics violations. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Chapter 37.—WAREHOUSE RECEIPTS

§§ 22-3703, 22-3704.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections (formerly 21-2103, 21-2104) are referred to in section 28-2105.

TITLE 23.—CRIMINAL PROCEDURE

Chapter 1.—GENERAL PROVISIONS

§ 23-101. Conduct of prosecutions—Party plaintiff.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23-102.

Chapter 3.—SEARCH WARRANTS AND ARREST

§§ 23-301, 23-304.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 23-305.

§ 23-306. Arrests without warrant for unlawful possession of implements of crime—Burglar tools—Weapons—Lottery tickets—Stolen property.

NOTES TO DECISIONS

Probable cause

Police officers may arrest without warrant when there is probable cause to believe that felony has been committed and that arrested person committed it, or when misdemeanor has been committed in their presence or view, and may also arrest for certain misdemeanors, including petit larceny, using probable cause standard. *E. C. Singleton v. United States* (D.C. App. 1967, 225 A. 2d 315).

Sales clerk may report shoplifting incident to special policeman who can then arrest suspect on probable cause. *Id.*

Special policeman as "police officer"

Special policeman, while on duty and in his prescribed area of authority, is a "police officer" within arrest statute, and may arrest when he has probable cause to believe that arrested person has perpetrated crime of petit larceny on merchandise of his employer. *E. C. Singleton v. United States* (D.C. App. 1967, 225 A. 2d 315).

Special policeman, who observed defendant's suspicious actions within department store and followed him to another store where defendant produced merchandise from underneath his coat, was authorized to make arrest on basis of probable cause for belief that defendant had committed petit larceny in department store. *Id.*

Chapter 4.—FUGITIVES FROM JUSTICE

§ 23-401. Extradition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23-411.

§ 23-403. Detention of fugitives from justice—Warrants for apprehension.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 23-409, 23-410.

§ 23-404. Bail—When allowed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 23-405, 23-408 to 23-410.

§§ 23-405 to 23-408.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 23-409, 23-410.

§ 23-409. Voluntary return—Bond for appearance in demanding state.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23-410.

§ 23-410. Removal proceedings and returns to foreign countries not repealed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23-409.

Chapter 5.—UNIFORM ACT ON FRESH PURSUIT

§ 23-501. Arrests in District of Columbia by officers of other States.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 23-502, 23-503.

Chapter 6.—PROFESSIONAL BONDSMEN

Sec.

23-610. Designation of official to take bail or collateral when court is not in session—Issuance of citation by police, in lieu of custody, when arrest is without a warrant for a misdemeanor—Exception—Penalty for failure to answer citation—Prosecution.

§ 23-610. Designation of official to take bail or collateral when court is not in session—Issuance of citation by police, in lieu of custody, when arrest is without a warrant for a misdemeanor—Exception—Penalty for failure to answer citation—Prosecution.

(a) * * *

(b) An officer or member of the Metropolitan Police force who, in accordance with section 4-140, relating to the District of Columbia, arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring such person to appear before an official of the Metropolitan Police force designated under subsection (a) of this section to act as a clerk of the District of Columbia Court of General Sessions.

(c) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the Metropolitan Police force designated under subsection (a) of this section to act as a clerk of the District of Columbia Court of General Sessions may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

(d) No citation may be issued under subsection (b) or (c) of this section unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

(e) Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than one year, or both. Prosecution under this subsection shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued. (As amended Dec. 27, 1967, Pub. L. 90-226, § 701, title VII, 81 Stat. 740.)

AMENDMENT

1967—Section 701, Act Dec. 27, 1967, Pub. L. 90-226, amended section by designating existing section as (a) and adding subsections (b) to (e) thereto.

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act [Pub. L. 90-226], commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025], shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

Chapter 7.—DEATH PENALTY

§ 23-701. Capital punishment—How inflicted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23-703.

§ 23-702. Commissioners to provide death chamber, appoint executioner and assistants, and fix fees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23-703.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(209) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to fixing fees of an executioner and his assistants, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 23-704. Who may be present at executions—Fact of execution to be certified to clerk of court.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23-703.

Chapter 9.—BAIL—DISTRICT OF COLUMBIA BAIL AGENCY

§ 23-901. District of Columbia Bail Agency.

There is hereby created for the District of Columbia the District of Columbia Bail Agency (hereinafter referred to as the "agency") which shall secure pertinent data and provide for any judicial officer in the District of Columbia or any officer or member of the Metropolitan Police force issuing citations, reports containing verified information concerning any individual with respect to whom a bail or citation determination is to be made. (July 26, 1966, 80 Stat. 327, Pub. L. 89-519, § 2; Dec. 27, 1967, Pub. L. 90-226, § 702(a), title VII, 81 Stat. 740.)

AMENDMENT

1967—Section 702, Act Dec. 27, 1967, Pub. L. 90-226, amended section to read as above set out. For provisions

of section prior to this amendment see main edition of the code.

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act [Pub. L. 90-226], commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025], shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

§ 23-902. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23-903.

§ 23-903. Interviews with detainees—Investigations and reports—Information as confidential—Consideration and use of reports in making bail determinations.

* * * * *

(d) The agency, when requested by a member or officer of the Metropolitan Police force acting pursuant to court rules governing the issuance of citations in the District of Columbia, shall furnish to such member or officer a report as provided in subsection (a).

(e) The preparation by the agency and the submission of its report as provided in this section shall be accomplished at the earliest practicable opportunity.

(f) A judicial officer in making a bail determination shall consider the agency's report and its accompanying recommendation, if any. The judicial officer may impose such terms and set such conditions including requiring the execution of a bail bond with sufficient solvent sureties, upon release as shall appear warranted by the facts presented, except that such judicial officer may not establish any term or condition for release not otherwise authorized by law (including the Bail Reform Act of 1966 (Pub. L. 89-465)). (July 26, 1966, 80 Stat. 327, Pub. L. 89-519, § 4; Dec. 27, 1967, Pub. L. 90-226, § 702(b), title VII, 81 Stat. 740.)

REFERENCES IN TEXT

For the Bail Reform Act of 1966 (Pub. L. 89-465), referred to in subsec. (f) of this section, see 18 U.S.C. § 3146 et seq.

AMENDMENTS

1967—Section 702(b), Act Dec. 27, 1967, Pub. L. 90-226, amended section by redesignating existing subsections (d) and (e) as subsections (e) and (f) respectively; inserting a new subsection (d) as above set out and amending subsection (f) (as redesignated) by inserting after "such conditions" the words "including requiring the execution of a bail bond with sufficient solvent sureties,".

SENTENCE FOR OFFENSES COMMITTED PRIOR TO
DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided:

Whoever, prior to the date of enactment of this Act, [Pub. L. 90-226] commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act, [Amendments of sections, 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025], shall be sentenced in accordance with the law in

effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided:

If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

TITLE 24.—PRISONERS AND THEIR TREATMENT

Chapter 1.—PROBATION

§ 24-106. Services of a psychiatrist and a psychologist available to probation officers, the Board of Parole and other designated officers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-302.

Chapter 2.—INDETERMINATE SENTENCES AND PAROLES

§ 24-201. Repealed. July 17, 1947, 61 Stat. 379, ch. 263, § 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-201b, 24-203, 24-207.

§ 24-202. Repealed. July 17, 1947, 61 Stat. 379, ch. 263, § 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-203, 24-207.

§ 24-203. Imposition of indeterminate sentences authorized—Life and death sentences.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-201c, 24-207.

§ 24-204. Parole authorized—Conditions—Custody.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(210) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b) relating to rules and regulations permitting the discharge of parolees, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-207.

§§ 24-205, 24-206, 24-208.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 24-207.

§ 24-209. Federal Parole Board—Authority over United States prisoners convicted in the District of Columbia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-203, 24-207.

Chapter 3.—INSANE CRIMINALS

Sec.

24-301. Commitment of persons of unsound mind to the District of Columbia General Hospital—Certification to the court—Acquittal by jury on grounds of insanity—Confinement in a mental institution—Conditions for release after confinement—Conditional release—Expenses—Writ of habeas corpus—Inconsistent provisions of Federal Statutes superseded—Return order for apprehension of escaped inmates—Procedure and time limitation for pleading insanity as a defense.

§ 24-301. Commitment of persons of unsound mind to the District of Columbia General Hospital—Certification to the court—Acquittal by jury on grounds of insanity—Confinement in a mental institution—Conditions for release after confinement—Conditional release—Expenses—Writ of habeas corpus—Inconsistent provisions of Federal Statutes superseded—Return order for apprehension of escaped inmates—Procedure and time limitation for pleading insanity as a defense.

* * * *

(i) When a person has been ordered confined in a hospital for the mentally ill pursuant to this section and has escaped from such hospital, the court which ordered confinement shall, upon request of the Government, order the return of the escaped person to such hospital. The return order shall be effective throughout the United States. Any Federal judicial officer within whose jurisdiction the escaped person shall be found shall, upon receipt of the return order issued by the committing court, cause such person to be apprehended and delivered up for return to such hospital.

(j) Insanity shall not be a defense in any criminal proceeding in the United States District Court for the District of Columbia or in the District of Columbia court of general sessions, unless the accused or his attorney in such proceeding, at the time the accused enters his plea of not guilty or within fifteen days thereafter or at such later time as the court may for good cause permit, files with the court and serves upon the prosecuting attorney written notice of his intention to rely on such defense. (As amended Dec. 27, 1967, Pub. L. 90-226, § 201, title II, 81 Stat. 735.)

AMENDMENT

1967—Section 201, Act Dec. 27, 1967, Pub. L. 90-226, amended section by adding subsections i and j.

SENTENCE FOR OFFENSES COMMITTED PRIOR TO DEC. 27, 1967

Section 1101, Act Dec. 27, 1967, Pub. L. 90-226, provided: Whoever, prior to the date of enactment of this Act [Pub. L. 90-226] commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act, [Amendments of sections 4-140, 15-714, 15-716, 22-501, 22-703, 22-1513, 22-1801, 22-2001, 22-2901, 22-3105, 22-3201, 22-3202, 23-610, 23-901, 23-903, 24-301 and enactments of sections 4-140a, 4-150a and 22-1122, and amendments of 18 U.S.C. 4122, 5024 and 5025] shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEPARABILITY OF PROVISIONS

Section 1102, Act Dec. 27, 1967, Pub. L. 90-226, provided: If any provision of or any amendment made by this Act [Pub. L. 90-226; for provisions and amendments made by this Act, see enumeration in note above under heading, "Sentence for offenses committed prior to Dec. 27, 1967."] or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-303.

NOTES TO DECISIONS

Amnesia

Amnesia per se in case where recollection was present during time of alleged offenses and where defendant has ability to construct a knowledge of what happened from other sources, and where he has present ability to follow course of proceedings against him and discuss them rationally with his attorney does not constitute incompetency per se, and loss of memory should bar prosecution only when its presence would in fact be crucial to construction and presentation of defense and hence essential to fairness and accuracy of the proceedings. *United States v. R. Wilson* (1966, 263 F. Supp. 528).

Where defendant after crimes were committed was involved in automobile accident and suffered cerebral contusions and concussion which resulted in amnesia which prevented him from recollecting any events that took place on afternoon when crimes were committed, but who could construct a knowledge of what transpired from information given to him from other sources, and, except for such vacuity of memory, was perfectly able to follow course of proceedings against him and to discuss them with his attorney, was legally competent to stand trial. *Id.*

Burden of proof after commitment

One who seeks release, without statutory certification by superintendent of hospital, from commitment to hospital after being found not guilty of crime by reason of insanity must show that he has recovered his sanity and that such recovery has reached point where he has no abnormal mental condition which in reasonably foreseeable future would give rise to danger to patient or to public in event of his release. *United States v. M. Charnizon* (D.C. App. 1967, 232 A. 2d 586).

Where, at hearing to revoke patient's conditional release from state hospital following commitment after having been found not guilty of crime by reason of insanity, positive expert medical opinion was presented that patient had not recovered and would be danger to himself and others if released, order directing unconditional release of patient did not meet standards set forth by statute and thus, without certificate recommending either conditional or unconditional release and in absence of evidence on his behalf, patient was not entitled to be released. *Id.*

Burden of proof on petition for release

Petitioner seeking release from hospital by writ of habeas corpus after commitment pursuant to statute after being found not guilty of crime by reason of insanity has burden of showing his eligibility for relief and must establish freedom from such abnormal mental condition as would make individual dangerous to himself or community in reasonably foreseeable future. *L. W. Collins v. D. C. Cameron, Sup't etc.* (1967, 377 F. 2d 945, — U.S. App. D.C. —).

Evidence that petitioner was suffering from mental illness of psychotic proportions and that petitioner was daily administered tranquilizing drug and that if medicine were discontinued petitioner would resort to alcohol supported finding that petitioner would be dangerous to himself or others if released. *Id.*

Competency to stand trial

If accused is not presently insane or potentially dangerous to himself or others, it is illegal to commit him under statute providing that if court, after competency hearing, shall find accused to be then of unsound mind or mentally incompetent to stand trial, court shall order accused confined to hospital for mentally ill. *United States v. R. Wilson* (1966, 263 F. Supp. 528).

Court's findings

Court's findings concerning mental illness and dangerous propensities are not to be disturbed unless they lack support in record or rest on an erroneous legal principle. *C. C. Rouse v. D. C. Cameron, Sup't etc.* (1967, 373 F. 2d 451, 125 U.S. App. D.C. 366).

Habeas corpus

Petitioner involuntarily committed to mental hospital on being acquitted of an offense by reason of insanity had

right to treatment that was cognizable in habeas corpus, and law and justice required remand for hearing and findings on whether petitioner had received adequate treatment and, if not, the details and circumstances underlying the reason why he had not. *C. C. Rouse v. D. C. Cameron, Sup't etc.* (1967, 373 F. 2d 451, 125 U.S. App. D.C. 366).

Hearing and findings

Patient, who had been committed to hospital under statute after having been acquitted on criminal charge solely on ground that he was insane, who had received little or no treatment at hospital, and who brought habeas corpus proceeding in federal District Court, was entitled to hearing and findings as to whether he was receiving adequate treatment, and, if he was not, District Court could allow hospital reasonable opportunity to initiate treatment, and unconditional or conditional release might be in order if it should appear that opportunity for treatment had been exhausted or treatment was otherwise inappropriate. *W. G. Tribby v. D. Cameron, Superintendent etc.* (1967, 379 F. 2d 104, — U.S. App. D.C. —).

Legally competent

Conceptual range of expression "legally incompetent" only embraces deficiencies in accused which actually prevents his fair trial, and mere deficiency, standing alone, is outside limits of the concept. *United States v. R. Wilson* (1966, 263 F. Supp. 528).

Mental examination before verdict

The decision to commit is a matter of discretion with the court and the exercise of that discretion will not lightly be disturbed.

The evidence did not show a need for a mental examination. *F. E. Wesley v. United States* (D.C. App. 1967, 233 A. 2d 514).

Policy of statute

Underlying policy of statute government commitment and release of persons found not guilty of crime by reason of insanity is to provide treatment and cure for individual in manner which affords reasonable assurance of public safety. *United States v. M. Charnizon* (D.C. App. 1967, 232 A. 2d 586).

Pretrial mental examination

Although five months before trial it had been determined that defendant was suffering from drug addiction which was in remission, where defendant did not testify, there was no expert testimony as to any abnormal mental condition, defendant did not seek hearing and there was no evidence of long record of disturbed behavior, failure of trial judge sua sponte to grant hearing on issue of mental competence to stand trial was not basis for reversal. *R. R. Powell v. United States* (1966, 373 F. 2d 225, 125 U.S. App. D.C. 364).

There must be facts which create a substantial doubt of defendant's mental competence before due process requires the trial judge to order hearing thereon sua sponte. *Id.*

Public policy

However strong and pervasive public policy to bring the morally responsible to bar, it cannot subvert constitutional right to fair trial which is not afforded to accused who is prosecuted while legally incompetent. *United States v. R. Wilson* (1966, 263 F. Supp. 528).

Purpose of detention

Purpose of detention under statute providing for commitment of person acquitted of crime by reason of insanity is not punitive but serves to protect the public and the subject and to afford place and procedure to treat and, if possible, to rehabilitate the subject. *L. W. Collins v. D. C. Cameron, Sup't etc.* (1967, 377 F. 2d 945, — U.S. App. D.C. —).

Purpose of involuntary hospitalization

Purpose of involuntary hospitalization is treatment, not punishment. *C. C. Rouse v. D. C. Cameron, Sup't etc.* (1967, 373 F. 2d 451, 125 U.S. App. D.C. 366).

Reason for continued confinement

That person involuntarily committed and confined has some dangerous propensities does not, standing alone, warrant his continued confinement in a government men-

tal institution; the dangerous propensities must be related to or arise out of an abnormal mental condition. *C. C. Rouse v. D. C. Cameron, Sup't etc.* (1967, 373 F. 2d 451, 125 U.S. App. D.C. 366).

Continued confinement of one involuntarily committed on being acquitted of an offense by reason of insanity depends not upon fact that he committed the acts, but upon his present mental condition. *Id.*

Reasonable opportunity to initiate treatment

If court finds that a mandatorily committed patient is in custody in violation of Constitution and laws, for failure to receive treatment, it may allow hospital a reasonable opportunity to initiate treatment, but if opportunity for treatment has been exhausted or is otherwise inappropriate, conditional or unconditional release may be in order. *C. C. Rouse v. D. C. Cameron, Sup't etc.* (1967, 373 F. 2d 451, 125 U.S. App. D.C. 366).

Resolution of reasonable doubt

Although patient committed to hospital after having been found not guilty of crime by reason of insanity may have improved materially and appears to be a good prospect for restoration as useful member of society, if abnormal mental condition renders him potentially dangerous, reasonable medical doubts or reasonable judicial doubts are to be resolved in favor of public and in favor of subject's safety. *United States v. M. Charnizon* (D.C. App. 1967, 232 A. 2d 586).

In ordering conditional release of patient committed to hospital after having been found not guilty of crime by reason of insanity, court must conclude that individual has recovered sufficiently so that under proposed conditions person will not in reasonable future be dangerous to himself or others. *Id.*

Right to treatment

One involuntarily committed to mental hospital on being acquitted of an offense by reason of insanity has a right to treatment. *C. C. Rouse v. D. C. Cameron, Sup't etc.* (1967, 373 F. 2d 451, 125 U.S. App. D.C. 366).

On issue of right to treatment of one involuntarily committed on being acquitted of an offense by reason of insanity, hospital need not show that treatment will cure or improve him but only that there is bona fide effort to do so, and this requires hospital to show that initial and periodic inquiries are made into needs and conditions of patient with view to providing suitable treatment for him, and that the program provided is suited to his particular needs. *Id.*

On issue of right to treatment of one involuntarily committed to mental hospital on being acquitted of an offense by reason of insanity, effort should be to provide treatment which is adequate in light of present knowledge. *Id.*

Continuing failure to provide suitable and adequate treatment of one involuntarily committed to mental hospital on being acquitted of an offense by reason of insanity cannot be justified by lack of staff or facilities. *Id.*

Scope of mandatory commitment

Notwithstanding fact that appeal of denial of petition for writ of habeas corpus by person, who was acquitted by reason of insanity and summarily committed to mental hospital pursuant to mandatory provisions of District of Columbia statute raised substantial questions concerning scope of mandatory commitment and its relationship to the Hospitalization of the Mentally Ill Act, in view of petitioner's unconditional release from hospital while appeal was pending, appeal was dismissed as moot. *S. I. Solomon v. D. C. Cameron, Sup't etc.* (1967, 377 F. 2d 170, — U.S. App. D.C. —).

Unconstitutional punishment

Defendant committed to hospital pursuant to statute after being found not guilty by reason of insanity on charge of second-degree murder who was not being detained solely for administration of tranquilizing drug which might have been administered outside hospital and who was receiving other forms of therapy was not being unconstitutionally punished. *L. W. Collins v. D. C. Cameron, Sup't etc.* (1967, 377 F. 2d 945, — U.S. App. D.C. —).

Waiver of competency hearing

Fact that neither defendant nor government objected at trial to court's acceptance of hospital certification of competency without holding a hearing could not be viewed as waiver by defendant of his rights, but it did authorize trial court in its discretion to proceed with trial without a competency hearing. *C. Heard, Jr. v. United States* (1967, 263 F. Supp. 613).

Chapter 4.—PRISONS AND PRISONERS

SUBCHAPTER I.—PRISONS

§ 24-412. Employment of prisoners.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(211) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-413, 24-421.

§ 24-413. Commitment by marshal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-414, 24-421.

§ 24-414. Delivery of prisoners to marshal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-421.

§ 24-415. Superintendent of Washington Asylum and Jail accountable for safe-keeping of prisoners.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-413, 24-421.

§ 24-416. Annual report by Superintendent of Washington Asylum and Jail.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-421.

§ 24-418. Sale of products of workhouse and reformatory.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(212) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 24-425. Place of imprisonment—Designation by Attorney General—Transfer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-203, 24-207, 24-468, 24-506.

SUBCHAPTER II.—DEPARTMENT OF CORRECTIONS

§ 24-442. Powers of Department over institutions—Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(213) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to rules and regulations for the government of institutions, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the

District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SUBCHAPTER III.—CORRECTIONAL INDUSTRIES FUND

§ 24-451. Establishment of fund.

CROSS REFERENCE

Applicability of U.S. Laws to District, see 18 U.S.C. 4122.
Rehabilitation of youth offenders in District, see 18 U.S.C. 5025.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-455.

SUBCHAPTER IV.—WORK RELEASE PROGRAM

§ 24-464. Rules and regulations—Individual plans for each prisoner granted privilege.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(426) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 24-466. Collection of earnings—Deposit in trust fund—Immunity from attachment—Disbursements—Payment of balance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-467.

Chapter 5.—REHABILITATION OF ALCOHOLICS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 25-111a.

§ 24-502. "Chronic alcoholic" defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-504.

§ 24-504. Suspension of criminal proceedings—Hearing—Commitment to clinic.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-507.

§ 24-506. Director's recommendation to committing judge—Court order—Designation of director as representative of Attorney General.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-510.

Chapter 6.—REHABILITATION OF USERS OF NARCOTICS

§ 24-601. Purpose.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-602, 24-604, 24-607, 24-609 to 24-611, 24-614.

§ 24-602. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-601, 24-604, 24-607, 24-609 to 24-611, 24-614.

§ 24-603. Order of examination.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-601, 24-602, 24-604, 24-605, 24-607, 24-609 to 24-611, 24-614.

§ 24-604. Right to counsel.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-601, 24-602, 24-607, 24-609 to 24-611, 24-614.

§ 24-605. Examination by physicians.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-601 to 24-604, 24-606, 24-607, 24-609 to 24-611, 24-614.

§ 24-606. When hearing is required.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-601, 24-602, 24-604, 24-607, 24-609 to 24-611, 24-614.

§ 24-607. Hearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-601, 24-602, 24-604, 24-609 to 24-611, 24-614.

§ 24-608. Confinement of patient.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-601, 24-602, 24-604, 24-607, 24-609 to 24-611, 24-614.

§ 24-609. Release of patient.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-601, 24-602, 24-604, 24-607, 24-608, 24-610, 24-611, 24-614.

§ 24-610. Periodic examination of released patients.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-601, 24-602, 24-604, 24-607, 24-609, 24-611, 24-614.

§ 24-611. Patient not deemed a criminal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-601, 24-602, 24-604, 24-607, 24-609, 24-610, 24-614.

§ 24-613. Care and treatment of drug users—Authority of the Surgeon General.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24-615.

§ 24-614. Admittance into Public Health Service hospitals—Narcotics users from District of Columbia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-613, 24-615.

PART V

GENERAL STATUTES

TITLE 25—ALCOHOLIC BEVERAGES.
 TITLE 26—BANKS AND OTHER FINANCIAL INSTITUTIONS.
 TITLE 27—CEMETERIES AND CREMATORIES.
 TITLE 28—COMMERCIAL INSTRUMENTS AND TRANSACTIONS.
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TITLE 25.—ALCOHOLIC BEVERAGES

Chapter 1.—ALCOHOLIC BEVERAGE CONTROL

§ 25-106. Jurisdiction of Board over licenses—Appeal from revocation—Duties.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(214) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section as provided in the last sentence of the section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 25-107. Powers of Commissioners—Rules and regulations—Licenses.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(215) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to prescribing, making, altering, and amending rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 25-109. Sale without license prohibited—Exceptions.

NOTES TO DECISIONS

Consecutive sentences

Imposition of consecutive 120-day sentences for the keeping of whiskey for sale and selling of whiskey without a license was improper as constituting double punishment for a single offense where defendant had only a single bottle of whiskey which he illegally sold at time of his arrest and there was no proof of a keeping of the whiskey for sale independent of the sale itself. *W. Hicks v. District of Columbia* (D.C. App. 1967, 234 A. 2d 801).

Several offenses committed by single act

Usual test to determine if one or two offenses have been committed by a single act is whether each offense requires

proof of an additional fact which the other does not. *W. Hicks v. District of Columbia* (D.C. App. 1967, 234 A. 2d 801).

§ 25-111. License classifications—Fees.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(216) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (c) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 25-107, 25-109, 25-111a, 25-115, 25-121, 25-128.

§ 25-112. Authority of Commissioners to forbid transportation of liquor into District—Permit may be granted.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(217) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 25-115. Applications for licenses—Qualification of applicants—Moral character—Citizenship—Prior convictions—Ownership—Interest of manufacturer in retail business—Character of premises—Advertising application—Hearing of protests—Objection of property owners—Removal of bonded liquor from Government warehouses—Penalty.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(218) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (c) relating to the promulgation of regulations to permit owners of warehouse receipts to withdraw bonded

liquors, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 25-123. Monthly reports of sales and purchases.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(219) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (c) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 25-124. Beverage taxes—Method of collection—Class C or D licensees—Reports.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(220, 221 and 424) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (c)(3), (g) and section 1005 of the act of September 30, 1966, Pub. L. 98-610, set out as a note hereunder, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25-123.

§ 25-131. Issuance of new permits under Beverage License Act of 1933 forbidden—Surrender of permit and refund of fees—Repeal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25-109.

§ 25-132. Penalty for violation where no specific penalty provided—Prosecutions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25-108.

NOTES TO DECISIONS

Consecutive sentences

Imposition of consecutive 120-day sentences for the keeping of whiskey for sale and selling of whiskey with-

out a license was improper as constituting double punishment for a single offense where defendant had only a single bottle of whiskey which he illegally sold at time of his arrest and there was no proof of keeping of the whiskey for sale independent of the sale itself. *W. Hicks v. District of Columbia* (D.C. App. 1967, 234 A. 2d 801).

Several offenses committed by single act

Usual test to determine if one or two offenses have been committed by a single act is whether each offense requires proof of an additional fact which the other does not. *W. Hicks v. District of Columbia* (D.C. App. 1967, 234 A. 2d 801).

§ 25-137. Unlawful transportation—Penalty.

* * * * *

(b) No public or common carrier shall transport or bring into the District of Columbia wine, spirits, or beer in a quantity in excess of one quart in any one calendar month for delivery to any one person in the District of Columbia other than the holder of a manufacturer's, wholesaler's, or retailer's license issued under this chapter.

* * * * *

(As amended Dec. 26, 1967, Pub. L. 90-223, § 1, 81 Stat. 728.)

AMENDMENT

1967—Section 1, Act Dec. 26, 1967, Pub. L. 90-223, amended subsection (b) by striking out "one gallon at any one time" and inserting in lieu "one quart in any one calendar month".

§ 25-138. Tax on beer.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(222) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section as to prescribing the manner of collection and payment of tax on beer, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 26.—BANKS AND OTHER FINANCIAL INSTITUTIONS

Chapter 1.—BANKING INSTITUTIONS IN GENERAL

§ 26-101. Banking institutions to be under supervision of Comptroller of Currency—Sections 161, 163, and 164 of title 12, U.S. Code, applicable.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-102, 26-104, 29-105.

§ 26-104. Liability of stockholders of bank or savings company—"Entered into or incurred" defined—Certain provisions of U.S. Code extended to District of Columbia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26-105.

Chapter 3.—TRUST, LOAN, MORTGAGE, SAFE DEPOSIT AND TITLE CORPORATIONS

§ 26-301. Purposes for which formed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-304, 26-309, 26-310, 26-313.

§ 26-302. Title insurance companies may become perpetual.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-101, 29-209, 29-211, 29-215, 29-223, 29-229, 29-233, 29-234, 29-236, 29-238 to 29-240.

§ 26-305. Commissioners of the District may grant or refuse charter.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(213) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 26-313. Existing companies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-307, 26-322.

§ 26-316. Capital stock—Deposit with comptroller required.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26-317.

§ 26-318. Annual reports to comptroller.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26-319.

§ 26-322. Liability of stockholders.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26-105.

§ 26-323. Stock to be paid up in money only—Exception—Companies doing business prior to January 1, 1902.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-313, 26-316.

§ 26-327. Directors or trustees liable for debts if dividends are declared whereby corporation is rendered insolvent or debt is created thereby.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26-328.

Chapter 4.—BUILDING ASSOCIATIONS

§§ 26-401 to 26-404.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 26-103.

§ 26-405. Associations existing under laws of other States doing business in District of Columbia must comply—Provisions requisite—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-103, 26-404.

§§ 26-406 to 26-416.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 26-103.

Chapter 5.—CREDIT UNIONS

§§ 26-502 to 26-518.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 26-519, 26-521, 26-522.

§§ 26-519, 26-520, 26-522.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 26-521.

Chapter 6.—MONEY LENDERS—LICENSES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 28:9-203.

§ 26-601. Loaning of money on security—Rate of interest—License—Appointment of resident agent—Service on removal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28-3303.

NOTES TO DECISIONS

Commission as constituting usury

Commission paid by a borrower to a loan broker for obtaining a loan from a third person does not constitute usury. *J. Oliver v. United Mortgage Company, Inc., etc.* (D.C. App. 1967, 230 A. 2d 722).

Borrower was not entitled to recover portion of commission retained by loan broker for arranging loan on ground that transaction was usurious in absence of showing that broker was acting solely as agent of lender. *Id.*

Even if loan broker had advanced his own funds to borrower, but had done so for convenience only and with expectation of reimbursing himself promptly from funds supplied by lender, broker who had retained commission for that service was not liable to borrower for allegedly usurious interest on ground that broker was principal on loan. *Id.*

§ 26-602 to 26-604.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 28-3303.

§ 26-605. Rate of interest—Interest to cover all fees and expenses—Not to be deducted in advance—Statement to be furnished borrower—Amount of loans—Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28-3303.

NOTES TO DECISIONS

Commission as constituting usury

Commission paid by a borrower to a loan broker for obtaining a loan from a third person does not constitute usury. *J. Oliver v. United Mortgage Company, Inc., etc.* (D.C. App. 1967, 230 A. 2d 722).

Borrower was not entitled to recover portion of commission retained by loan broker for arranging loan on ground that transaction was usurious in absence of showing that broker was acting solely as agent of lender. *Id.*

Even if loan broker had advanced his own funds to borrower, but had done so for convenience only and with expectation of reimbursing himself promptly from funds supplied by lender, broker who had retained commission for that service was not liable to borrower for allegedly usurious interest on ground that broker was principal on loan. *Id.*

§ 26-606. Complaints—Hearings on Complaints—Record of hearings—Revoking of, or refusal to grant license.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28-3303.

§ 26-607. Penalties—Enforcement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-606, 28-3303.

§§ 26-608 to 26-610.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 28-3303.

§ 26-611. Commissioners to enforce—Rules and regulations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28-3303.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(224) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to making rules and regulations for the conduct of business of making loans and for the enforcement of chapter 6, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 27.—CEMETERIES AND CREMATORIES

Chapter 1.—CEMETERY ASSOCIATIONS—REGULATORY PROVISIONS

Sec.

27-130. Establishment of crematory—Rules and regulations.

§ 27-101. Incorporation—Powers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 27-106 to 27-108, 27-126, 27-128.

§§ 27-102 to 27-105.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 27-106, 27-107, 27-126, 27-128.

§ 27-106. Application of proceeds of sales of lots.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 27-107, 27-126, 27-128.

§ 27-107. Officers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 27-106, 27-126, 27-128.

§§ 27-108 to 27-113.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 27-106, 27-107, 27-126, 27-128.

§ 27-114. Distance from city and from dwellings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 27-106, 27-107, 27-114a, 27-126, 27-128.

§§ 27-115 to 27-117.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 27-106, 27-107, 27-126, 27-128.

§ 27-119a. Disposal of dead bodies—Permits required—Movement and disposition of tissue by tissue banks—Violations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 27-106, 27-107, 27-126, 27-128.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(225) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to regulations, authorizing tissue banks and others to remove etc., dead bodies of human beings without permit, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§§ 27-120 to 27-125.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 27-106, 27-107, 27-126, 27-128.

§ 27-126. Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 27-106, 27-107, 27-119a, 27-128.

§ 27-127. Prosecutions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 27-106, 27-107, 27-126, 27-128.

§ 27-128. Disinterment by order of the court.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 27-106, 27-107, 27-126.

§ 27-129. Public crematory—Cremation required in certain cases.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 27-131.

§ 27-130. Establishment of crematory—Rules and regulations.

The Commissioners of the District of Columbia are authorized and directed to operate on reservation thirteen, commonly known as the Washington Asylum grounds, in the city of Washington, in said District, a crematorium of size sufficient for the incineration of all bodies that can not, except at public expense, be disposed of within a reasonable time after death. Said Commissioners are hereby authorized to make and enforce all rules necessary for the proper maintenance and operation of said crematorium. (Apr. 20, 1906, 34 Stat. 123, ch. 1641, § 2; Feb. 22, 1921, 41 Stat. 1144, ch. 70, § 7; Dec. 4, 1967, Pub. L. 90-173, § 1, 81 Stat. 532.)

AMENDMENTS

1967—Act Dec. 4, 1967, Pub. L. 90-173, amended section by:

Deleting from the first sentence the following:

“, and for the incineration of such other bodies as may be presented for that purpose by the persons having custody thereof”

Striking out the comma after the word “crematorium”, in the second sentence, inserting a period in lieu and striking out the following language from the second and third sentences:

“and to prescribe and collect for the incineration of bodies not necessarily disposed of at public expense fees in such amounts as may be required to defray the cost of incineration: *Provided*, That in any case the Commissioners may, by special order, waive or reduce the usual charges whenever, in the opinion of said Commissioners, to enforce such charges would be burdensome or oppressive upon the person or persons responsible for the disposal of the remains. All fees collected under the provisions of this section shall be paid to the collector of taxes of the District of Columbia, and be deposited by him in the Treasury of the United States wholly to the credit of the District of Columbia.”

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(226) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section as to making rules for the proper maintenance and operation of a public crematorium, to the District of Columbia Council, subject to the right of the Commissioner

as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 27-131.

TITLE 28.—COMMERCIAL INSTRUMENTS AND TRANSACTIONS

SUBTITLE I.—UNIFORM COMMERCIAL CODE

Article 1.—GENERAL PROVISIONS

PART 1.—SHORT TITLE, CONSTRUCTION, APPLICATION AND SUBJECT MATTER

§§ 28:1-102, 28:1-103.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 28:1-201.

PART 2.—GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

§ 28:1-201. General definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1209, 28:7-102, 28:9-105, 28:9-204, 28:9-307, 28:10-104, 38-205, 40-701, 40-901.

§ 28:1-205. Course of dealing and usage of trade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:1-201, 28:2-202, 28:2-208.

Article 2.—SALES

PART 1.—SHORT TITLE, GENERAL CONSTRUCTION AND SUBJECT MATTER

§ 28:2-103. Definitions and index of definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:7-102.

§§ 28:2-104, 28:2-105.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 28:2-103.

§ 28:2-106. Definitions: “contract”; “agreement”; “contract for sale”; “sale”; “present sale”; “conforming” to contract; “termination”; “cancellation”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-103, 28:5-103, 28:7-102, 28:9-105.

§ 28:2-107. Goods to be severed from realty; recording.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-105.

PART 2.—FORUM, FORMATION AND READJUSTMENT OF CONTRACT

§ 28:2-201. Formal requirements; statute of frauds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:1-206, 28:2-209, 28:2-326.

§ 28:2-202. Final written expression; parol or extrinsic evidence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-316, 28:2-326.

§ 28:2-204. Formation in general.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-311.

§ 28:2-208. Course of performance or practical construction.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:1-201, 28:2-202.

PART 3.—GENERAL OBLIGATION AND CONSTRUCTION OF CONTRACT

§ 28:2-311. Options and cooperation respecting performance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-319.

§ 28:2-312. Warranty of title and against infringement; buyer's obligation against infringement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-607.

§ 28:2-316. Exclusion or modification of warranties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-314.

§ 28:2-319. F.O.B. and F.A.S. terms.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-311.

REFERENCE IN TEXT

The reference in subsection (c) to section 28:8-323 is obviously an error, as there is no such section. In all probability it should be 28:2-323.

§ 28:2-321. C.I.F. or C. & F.; “net landed weights”; “payment on on¹ arrival”; warranty of condition on arrival.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-513.

§ 28:2-323. Form of bill of lading required in overseas shipment; “overseas”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-103, 28:2-319, 28:2-503, 28:7-102.

§ 28:2-324. “No arrival, no sale” term.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-613.

§ 28:2-325. “Letter of credit” term; “confirmed credit”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-103.

§ 28:2-326. Sale on approval and sale or return; consignment sales and rights of creditors.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:1-201, 28:2-103.

¹ So in original. Probably should read “payment on arrival”.

§ 28:2-237. Special incidents of sale on approval and sale or return.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-509.

PART 4.—TITLE, CREDITORS AND GOOD FAITH PURCHASERS

§ 28:2-401. Passing of title; reservation for security; limited application of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:1-201, 28:2-106.

§ 28:2-402. Rights of seller's creditors against sold goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:7-504.

§ 28:2-403. Power to transfer; good faith purchase of goods; "entrusting".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-103, 28:2-702, 28:7-503.

PART 5.—PERFORMANCE

§ 28:2-501. Insurable interest in goods; manner of identification of goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-103, 28:2-401.

§ 28:2-502. Buyer's right to goods on seller's insolvency.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-402, 28:2-711.

§ 28:2-503. Manner of seller's tender of delivery.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-319, 28:2-509.

§ 28:2-504. Shipment by seller.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-319.

§ 28:2-505. Seller's shipment under reservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-509.

§ 28:2-507. Effect of seller's tender; delivery on condition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-505.

§ 28:2-508. Cure by seller of improper tender or delivery; replacement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-323.

NOTES TO DECISIONS

Buyer's refusal to allow correction of defect

Seller's proffered removal of television chassis for a short period in order to determine cause of color malfunction and ascertain extent of adjustment or correction needed to effect full operational efficiency presented no great inconvenience to buyer, and refusal of buyer's daughter, on buyer's behalf, to allow this precluded rescission. *W. Wilson t/a etc. v. N. Scampoli* (D.C. App. 1967, 228 A. 2d 848).

§ 28:2-510. Effect of breach on risk of loss.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-509.

§ 28:2-513. Buyer's right to inspection of goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-310.

PART 6.—BREACH, REPUDIATION AND EXCUSE

§ 28:2-602. Manner and effect of rightful rejection.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-606.

§§ 28:2-603, 28:2-604.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 28:2-602.

§ 28:2-606. What constitutes acceptance of goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-103, 28:2-201.

§ 28:2-607. Effect of acceptance; notice of breach; burden of establishing breach after acceptance; notice of claim or litigation to person answerable over.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-714.

§ 28:2-608. Revocation of acceptance in whole or in part.

NOTES TO DECISIONS

Buyer's refusal to allow correction of defect

Seller's proffered removal of television chassis for a short period in order to determine cause of color malfunction and ascertain extent of adjustment or correction needed to effect full operational efficiency presented no great inconvenience to buyer, and refusal of buyer's daughter, on buyer's behalf, to allow this precluded rescission, D.C. Code. *W. Wilson t/a etc. v. N. Scampoli* (D.C. App. 1967, 228 A. 2d 848).

§ 28:2-609. Right to adequate assurance of performance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-210, 28:2-611.

§ 28:2-610. Anticipatory repudiation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-709, 28:5-115.

§ 28:2-612. "Installment contract"; breach.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-103, 28:2-601, 28:2-616, 28:2-703, 28:2-711.

§ 28:2-613. Casualty to identified goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-324.

PART 7.—REMEDIES

§ 28:2-702. Seller's remedies on discovery of buyer's insolvency.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-705.

§ 28:2-703. Seller's remedies in general.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-610, 28:2-602, 28:2-706.

§ 28:2-704. Seller's right to identify goods to the contract notwithstanding breach or to salvage unfinished goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-610.

§ 28:2-705. Seller's stoppage of delivery in transit or otherwise.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-702, 28:2-703, 28:7-403.

§ 28:2-706. Seller's resale including contract for resale.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-703, 28:2-707, 28:2-711, 28:2-718.

§ 28:2-707. "Person in the position of a seller".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-103, 28:2-104, 28:2-706, 28:5-115.

§ 28:2-708. Seller's damages for non-acceptance or repudiation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-703, 28:2-723.

§ 28:2-709. Action for the price.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-703.

§ 28:2-710. Seller's incidental damages.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-706 to 28:2-708, 28:5-115.

§ 28:2-711. Buyer's remedies in general; buyer's security interest in rejected goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-602, 28:2-603, 28:2-610, 28:2-706.

§ 28:2-712. "Cover"; buyer's procurement of substitute goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-103.

§ 28:2-713. Buyer's damages for non-delivery or repudiation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-711, 28:2-723.

§ 28:2-714. Buyer's damages for breach in regard to accepted goods.

NOTES TO DECISIONS

Measure of damages

Under breach of contract, whether a warranty or otherwise, defendant is liable for those damages which are a natural consequence and proximate result of his conduct. *J. A. Meyers et ano. v. G. Antone et ano.* (D.C. App. 1967, 227 A. 2d 56).

§ 28:2-715. Buyer's incidental and consequential damages.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-712, 28:2-713.

§ 28:2-716. Buyer's right to specific performance or replevin.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-402, 28:2-711.

§§ 28:2-718, 28:2-719.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 28:2-316, 28:2-601.

§ 28:2-723. Proof of market price: time and place.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-708, 28:2-713.

§ 28:2-725. Statute of limitations in contracts for sale.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12-301.

Article 3.—COMMERCIAL PAPER

PART 1.—SHORT TITLE, FORM AND INTERPRETATION

§ 28:3-102. Definitions and index of definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:4-104.

§ 28:3-104. Form of negotiable instruments; "draft"; "check"; "certificate of deposit"; "note".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-103, 28:3-102, 28:4-104, 28:5-103, 28:9-105.

§§ 28:3-108, 28:3-109.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 28:3-102.

§ 28:3-115. Incomplete instruments.

(1) When a paper whose contents at the time of signing show that it is intended to become an instrument is signed while still incomplete in any necessary respect it cannot be enforced until completed, but when it is completed in accordance with authority given it is effective as completed.

(2) If the completion is unauthorized the rules as to material alteration apply (section 28:3-407), even though the paper was not delivered by the maker or drawer; but the burden of establishing that any completion is unauthorized is on the party so asserting. (Dec. 30, 1963, Pub. L. 88-243, § 1, 77 Stat. 676, eff. Jan. 1, 1965.)

CODIFICATION

This section is set out in this supplement to correct a typographical error in the section as it appears in the 1967 edition of the code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-413.

PART 2.—TRANSFER AND NEGOTIATION

§ 28:3-201. Transfer: right to indorsement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-603.

§ 28:3-205. Restrictive indorsements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-102, 28:3-206, 28:3-419.

§ 28:3-206. Effect of restrictive indorsement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-419.

§ 28:3-208. Reacquisition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-601.

PART 3.—RIGHTS OF A HOLDER

§ 28:3-302. Holder in due course.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-102, 28:3-206, 28:4-104, 28:4-209, 28:5-103, 28:5-114, 28:9-105, 28:9-309.

§ 28:3-303. Taking for value.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:1-201.

§ 28:3-304. Notice to purchaser.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-206.

§ 28:3-305. Rights of a holder in due course.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-408.

PART 4.—LIABILITY OF PARTIES

§ 28:3-401. Signature.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-102.

§ 28:3-407. Alteration.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-102, 28:3-115, 28:3-601.

§ 28:3-408. Consideration.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-306.

§ 28:3-410. Definition and operation of acceptance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-102, 28:4-104, 28:5-103.

§ 28:3-411. Certification of a check.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-102, 28:3-601, 28:4-104.

§ 28:3-412. Acceptance varying draft.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-601.

§ 28:3-415. Contract of accommodation party.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-102.

§ 28:3-419. Conversion of instrument; innocent representative.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:4-203.

PART 5.—PRESENTMENT, NOTICE OF DISHONOR
AND PROTEST

§ 28:3-502. Unexcused delay; discharge.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-501, 28:3-601.

§ 28:3-504. How presentment made.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-102, 28:4-104.

§ 28:3-505. Rights of party to whom presentment is made.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:4-210.

§ 28:3-507. Dishonor; holder's right of recourse; term allowing re-presentment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-103, 28:3-102.

§§ 28:3-508, 28:3-509.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 28:3-102, 28:4-104.

§ 28:3-511. Waived or excused presentment, protest or notice of dishonor or delay therein.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-501.

PART 6.—DISCHARGE

§ 28:3-603. Payment or satisfaction.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-301, 28:3-601.

§ 28:3-604. Tender of payment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-118, 28:3-601.

§§ 28:3-605, 28:3-606.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 28:3-601.

PART 8.—MISCELLANEOUS

§ 28:3-801. Drafts in a set.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-112.

§ 28:3-802. Effect of instrument on obligation for which it is given.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-511.

Article 4.—BANK DEPOSITS AND COLLECTIONS

PART 1.—GENERAL PROVISIONS AND DEFINITIONS

§ 28:4-102. Applicability.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:1-104.

§ 28:4-104. Definitions and index of definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-102, 28:5-103.

§ 28:4-105. "Depository bank"; "intermediary bank"; "collecting bank"; "payor bank"; "presenting bank"; "remitting bank".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-102, 28:4-104, 28:8-102.

PART 2.—COLLECTION OF ITEMS: DEPOSITORY AND
COLLECTING BANKS

§ 28:4-207. Warranties of customer and collecting bank on transfer or presentment of items; time for claims.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:4-302.

§ 28:4-208. Security interest of collecting bank in items, accompanying documents and proceeds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:1-201, 28:9-203, 28:9-302, 28:9-312.

§ 28:4-209. When bank gives value for purposes of holder in due course.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:1-201.

§ 28:4-210. Presentment by notice of item not payable by, through or at a bank; liability of secondary parties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-504.

§ 28:4-211. Media of remittance; provisional and final settlement in remittance cases.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:4-201, 28:4-212 to 28:4-214.

§ 28:4-212. Right of charge-back or refund.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:4-201, 28:4-202.

§ 28:4-213. Final payment of item by payor bank; when provisional debits and credits become final; when certain credits become available for withdrawal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:4-201, 28:4-212, 28:4-214, 28:4-301, 28:4-303.

PART 3.—COLLECTION OF ITEMS: PAYOR BANKS

§ 28:4-301. Deferred posting; recovery of payment by return of items; time of dishonor.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:3-507, 28:4-212.

§ 28:4-302. Payor bank's responsibility for late return of item.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:4-303.

PART 4.—RELATIONSHIP BETWEEN PAYOR BANK AND ITS CUSTOMER

§ 28:4-403. Customer's right to stop payment; burden of proof of loss.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:4-404.

§ 28:4-407. Payor bank's right to subrogation on improper payment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:3-801.

Article 5.—LETTERS OF CREDIT

§ 28:5-102. Scope.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:5-103, 28:5-104, 28:5-117.

§§ 28:5-108, 28:5-112.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 28:5-103.

§ 28:5-114. Issuer's duty and privilege to honor; right to reimbursement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-512.

§ 28:5-116. Transfer and assignment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-305.

Article 6.—BULK TRANSFERS

§ 28:6-102. "Bulk transfer"; transfers of equipment; enterprises subject to this article; bulk transfers subject to this article.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:1-104.

§ 28:6-103. Transfers excepted from this article.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-111.

§ 28:6-104. Schedule of property, list of creditors.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:6-107, 28:6-108.

§ 28:6-105. Notice to creditors.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:6-107, 28:6-109.

§ 28:6-107. The notice.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:6-105, 28:6-109.

§ 28:6-108. Auction sales; "auctioneer".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:6-104, 28:6-105.

Article 7.—WAREHOUSE RECEIPTS, BILLS OF LADING AND OTHER DOCUMENTS OF TITLE

PART 1.—GENERAL

§ 28:7-102. Definitions and index of definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:2-103.

PART 2.—WAREHOUSE RECEIPTS: SPECIAL PROVISIONS

§§ 28:7-204, 28:7-205, 28:7-209.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 28:7-202.

§ 28:7-210. Enforcement of warehouseman's lien.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:7-206, 28:7-308.

PART 3.—BILLS OF LADING: SPECIAL PROVISIONS

§ 28:7-303. Diversion; reconsignment; change of instructions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:7-403.

PART 4.—WAREHOUSE RECEIPTS AND BILLS OF LADING: GENERAL OBLIGATIONS

§ 28:7-403. Obligation of warehouseman or carrier to deliver; excuse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:7-102, 28:7-202, 28:7-503.

PART 5.—WAREHOUSE RECEIPTS AND BILLS OF LADING: NEGOTIATION AND TRANSFER

§ 28:7-501. Form of negotiation and requirements of "due negotiation".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:7-102, 28:9-309.

§ 28:7-502. Rights acquired by due negotiation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:5-114.

§ 28:7-503. Document of title to goods defeated in certain cases.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:7-209, 28:7-403.

§ 28:7-507. Warranties on negotiation or transfer of receipt or bill.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:5-114.

Article 8.—INVESTMENT SECURITIES

PART 1.—SHORT TITLE AND GENERAL MATTERS

§ 28:8-102. Definitions and index of definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:5-103, 28:9-105.

§ 28:8-104. Effect of overissue; “overissue”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:8-102, 28:8-404, 28:8-405.

§ 28:8-106. Applicability.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:1-104.

PART 2.—ISSUE—ISSUER

§ 28:8-201. “Issuer”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:8-102.

§ 28:8-204. Effect of issuer’s restrictions on transfer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-908g.

§ 28:8-205. Effect of unauthorized signature on issue.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:8-202.

PART 3.—PURCHASE

§ 28:8-301. Rights acquired by purchaser; “adverse claim”; title acquired by bona fide purchaser.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:8-102, 28:8-320, 28:9-309.

§ 28:8-302. “Bona fide purchaser”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:5-114, 28:8-102.

§ 28:8-303. “Broker”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:8-102.

§ 28:8-304. Notice to purchaser of adverse claims.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:8-310.

§ 28:8-306. Warranties on presentment and transfer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:5-114.

§ 28:8-308. Indorsement, how made; special indorsement; indorser not a guarantor; partial assignment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:8-312, 28:8-401, 28:8-402, 28:8-404.

§ 28:8-311. Effect of unauthorized indorsement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:8-306, 28:8-315.

§ 28:8-312. Effect of guaranteeing signature or indorsement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:8-402.

§ 28:8-319. Statute of frauds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:1-206.

§ 28:8-320. Transfer or pledge within a central depository system.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:8-313.

PART 4.—REGISTRATION

§ 28:8-402. Assurance that indorsements are effective.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:8-102, 28:8-401, 28:8-403.

§ 28:8-403. Limited duty of inquiry.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:8-401, 28:8-404.

§ 28:8-404. Liability and non-liability for registration.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:8-311.

Article 9.—SECURED TRANSACTIONS; SALES OF ACCOUNTS, CONTRACT RIGHTS AND CHATTEL PAPER

PART 1.—SHORT TITLE, APPLICABILITY AND DEFINITIONS

§ 28:9-103. Accounts, contract rights, general intangibles and equipment relating to another jurisdiction; and incoming goods already subject to a security interest.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:1-104, 28:9-102, 28:9-401.

§ 28:9-104. Transactions excluded from article.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-102.

§ 28:9-105. Definitions and index of definitions.

REFERENCE IN TEXT

The reference to section 28:9-196 in subsection (h) (2) is an error. It should be section 28:9-106.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-1209, 38-205, 40-701, 40-901.

§§ 28:9-106, 28:9-107.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 28:9-105.

§ 28:9-109. Classification of goods; “consumer goods”; “equipment”; “farm products”; “inventory”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:2-103, 28:6-102, 28:9-105.

§ 28:9-113. Security interests arising under article on sales.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-203, 28:9-302.

PART 2.—VALIDITY OF SECURITY AGREEMENT AND RIGHTS OF PARTIES THERETO

§ 28:9-203. Enforceability of security interest; proceeds, formal requisites.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:1-206, 28:4-208.

§ 28:9-204. When security interest attaches; after-acquired property; future advances.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-312.

§ 28:9-206. Agreement not to assert defenses against assignee; modification of sales warranties where security agreement exists.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-318.

§ 28:9-207. Rights and duties when collateral is in secured party's possession.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-501.

§ 28:9-208. Request for statement of account or list of collateral.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-112.

PART 3.—RIGHTS OF THIRD PARTIES; PERFECTED AND UNPERFECTED SECURITY INTERESTS; RULES OF PRIORITY

§ 28:9-301. Persons who take priority over unperfected security interests; "lien creditor".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-105, 28:9-312.

§ 28:9-302. When filing is required to perfect security interest; security interests to which filing provisions of this article do not apply.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-103, 28:9-303.

§ 28:9-304. Perfection of security interest in instruments, documents, and goods covered by documents; perfection by permissive filing; temporary perfection without filing or transfer of possession.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:8-320, 28:9-302, 28:9-303, 28:9-308, 28:9-312.

§ 28:9-305. When possession by secured party perfects security interest without filing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:8-320, 28:9-302, 28:9-303.

§ 28:9-306. "Proceeds"; secured party's rights on disposition of collateral.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-105, 28:9-302, 28:9-303, 28:9-308, 28:9-312, 28:9-402, 28:9-502.

§ 28:9-307. Protection of buyers of goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:7-503, 28:9-312.

§ 28:9-308. Purchase of chattel paper and non-negotiable instruments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-306, 28:9-312.

§ 28:9-309. Protection of purchasers of instruments and documents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-312.

§ 28:9-310. Priority of certain liens arising by operation of law.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-102, 28:9-104, 28:9-312.

§ 28:9-312. Priorities among conflicting security interests in the same collateral.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-301.

§ 28:9-313. Priority of security interests in fixtures.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-104, 28:9-105, 28:9-302, 28:9-307, 28:9-312.

§ 28:9-314. Accessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-204, 28:9-312, 28:9-315.

§ 28:9-315. Priority when goods are commingled or processed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-312, 28:9-314.

§ 28:9-316. Priority subject to subordination.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-312.

PART 4.—FILING

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 42-102, 42-104, 42-106, 42-107, 45-701.

§ 28:9-401. Place of filing; erroneous filing; removal of collateral.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-105.

§ 28:9-403. What constitutes filing; duration of filing; effect of lapsed filing; duties of filing officer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:9-405.

§ 28:9-404. Termination statement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 42-104, 42-107.

PART 5.—DEFAULT

§ 28:9-502. Collection rights of secured party.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-112, 28:9-501.

§ 28:9-504. Secured party's right to dispose of collateral after default; effect of disposition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-112, 28:9-501, 28:9-503, 28:9-505, 28:9-506.

§ 28:9-505. Compulsory disposition of collateral; acceptance of the collateral as discharge of obligation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-112, 28:9-501, 28:9-506.

§ 28:9-506. Debtor's right to redeem collateral.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-112, 28:9-501.

§ 28:9-507. Secured party's liability for failure to comply with this part.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28:9-112, 28:9-501, 28:9-505.

Article 10.—CONSTRUCTION WITH OTHER LAWS

§ 28:10-104. Laws not repealed.

CODIFICATION

The provisions of subchapter II of chapter 23 of Title 28 of the 1961 edition code, consisting of former sections 28-2321 to 28-2330, have been enacted into law by act Aug. 30, 1964, Pub. L. 88-509 and now are covered by sections 28-2901 to 28-2909.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 28:10-103.

SUBTITLE II.—OTHER COMMERCIAL TRANSACTIONS

Chapter 25.—BONDS AND UNDERTAKINGS

§ 28-2502. Action on bonds in a penal sum containing an avoidance condition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 15-106.

Chapter 27.—BUSINESS HOLIDAYS AND COMPUTATION OF TIME

SUBCHAPTER II.—COMPUTATION OF TIME

§ 28-2711. Daylight-saving time.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(227) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 33.—INTEREST AND USURY

§§ 28-3301, 28-3302.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 35-1361.

§ 28-3303. Usury defined.

CROSS REFERENCE

Corporations created under Chapter 9 of Title 29 prohibited from pleading any statutes against usury in any action, see § 29-904(h).

NOTES TO DECISIONS

Commission as constituting usury

Commission paid by a borrower to a loan broker for obtaining a loan from a third person does not constitute usury. *J. Oliver v. United Mortgage Company, Inc., etc.* (D.C. App. 1967, 230 A. 2d 722).

Even if loan broker had advanced his own funds to borrower, but had done so for convenience only and with expectation of reimbursing himself promptly from funds supplied by lender, broker who had retained commission for that service was not liable to borrower for allegedly usurious interest on ground that broker was principal on loan. *Id.*

Borrower was not entitled to recover portion of commission retained by loan broker for arranging loan on ground that transaction was usurious in absence of showing that broker was acting solely as agent of lender. *Id.*

Chapter 35.—STATUTE OF FRAUDS

§ 28-3502. Special promise to answer for debt or default of another.

NOTES TO DECISIONS

Sufficiency of writing

Letter wherein shopping center operators indicated appreciation for company's efforts in assisting operators in their application for proper zoning and stated that in event of success operators would give company opportunity to be major tenant with rental and terms at least equal to that of any other major department store in the center, together with full performance by company of the assistance services, was sufficient writing to satisfy District of Columbia statute of frauds. *City Stores Company v. H. M. Ammerman et al.* (1967, 266 F. Supp. 766).

§ 28-3504. New promise or acknowledgement¹ of contract—Action against joint contractors.

In an action upon a simple contract, an acknowledgement or promise by words only is not sufficient evidence of a new or continuing contract whereby to take the case out of the operation of the statute of limitations or to deprive a party of the benefit thereof unless the acknowledgement or promise is in writing, signed by the party chargeable thereby. This section does not alter or take away, or lessen the effect of a payment of principal or interest made by any person. In actions against two or more joint contractors, or executors, or administrators, if it appears at the trial, or otherwise, that the plaintiff, though barred by the statute of limitations as to one or more of the defendants, is nevertheless entitled to recover against any other defendant by virtue of a new acknowledgement or promise or otherwise, judgment may be given for the plaintiff as to that defendant. An indorsement or memorandum of a payment written or made upon a promissory note, bill of exchange, or other writing, by or on behalf of the party to whom the payment is to be made, is² sufficient proof of the payment so as to take the case out of the operation of the statute of limitations. (Aug. 30, 1964, Pub. L. 88-509, § 1, 78 Stat. 677, eff. Jan. 1, 1965.)

REVISION NOTES

Based on D.C. Code, 1961 ed., § 28-3005 (Mar. 3, 1901, 31 Stat. 1390, ch. 854, § 1271).

The term "real estate" is substituted for "lands, tenements, or hereditaments" to conform with the style of revisions generally.

Changes are made in phraseology.

CROSS REFERENCES

Statutes of limitation, see § 12-301 et seq.

¹ So in original. Does not agree with spelling in section catchline as set out in section analysis of this chapter preceding § 28-3501.

² So in original. The word "not" preceding the word "sufficient" was probably inadvertently omitted.

TITLE 29.—CORPORATIONS

Chapter 1.—GENERAL PROVISIONS

§ 29-101. Reorganization of corporations existing or doing business prior to January 1, 1902—Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-238 to 29-240.

§ 29-102. Notice of application for, alteration to, or extension of charter or special privileges.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(228) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-238 to 29-240.

§ 29-103. Change of name—Procedure—Effect—Notice—Recording.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-101.

Chapter 2.—BUSINESS CORPORATIONS (1901)

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 43-503.

§ 29-201. Formation—Certificate—Exception—Dealing in real estate.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-401, 29-101.

§ 29-202. Contents of certificate.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-401, 29-101, 29-203, 29-234.

§§ 29-203 to 29-209.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 26-401, 29-101.

§ 29-210. Stock to be personal property—Manner of transfer to be prescribed by by-laws—No transfer until previous call is paid.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-401, 29-101, 29-225.

§ 29-211. Liability of stockholders.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-401, 29-101.

§ 29-212. Certificate of capital stock paid in—Recording.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-401, 29-101, 29-211.

§ 29-213. Annual report of stock and debts—Verification—Publication.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-401, 29-101, 29-105, 29-214.

§§ 29-214 to 29-217.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 26-401, 29-101.

§ 29-218. Dividends not to be declared if corporation is thereby rendered insolvent or capital decreased—Trustees personally liable for debts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-401, 29-101, 29-219.

§§ 29-219 to 29-223.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 26-401, 29-101.

§ 29-224. Stock books open for inspection.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-401, 29-101, 29-228.

§§ 29-225 to 29-230.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 26-401, 29-101.

§ 29-231. Meeting of stockholders for purpose of increase or diminution of capital stock, or change of business—Notice to stockholders.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-401, 29-101, 29-232, 29-240.

§§ 29-232 to 29-240.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 26-401, 29-101.

Chapter 3.—BOARDS OF TRADE

§§ 29-301 to 29-307.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 29-308.

Chapter 4.—INSTITUTIONS OF LEARNING

§ 29-407. Quantity of land which may be held.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-408.

§ 29-414. Incorporation fee.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-416, 29-419.

§ 29-415. License to confer degrees—Issuance by Board of Higher Education—Evidence required.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9-220, 29-416, 29-417, 29-419.

§ 29-416. Application for license—Recordation—Use of public school personnel authorized.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9-220, 29-419.

§§ 29-417, 29-418.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 9-220, 29-416, 29-419.

§ 29-419. Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-416, 29-418.

§ 29-420. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9-220.

Chapter 5.—RELIGIOUS SOCIETIES

§§ 29-501 to 29-511.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 29-512.

Chapter 7.—DISSOLUTION

§§ 29-715 to 29-718.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 29-240.

§§ 29-719 to 29-724, 29-726 to 29-729.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 29-836.

Chapter 8.—COOPERATIVE ASSOCIATIONS

§ 29-804. Powers of association.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-801.

§ 29-813. Voting—One member, one vote.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-801, 29-825.

§ 29-814. Proxy voting prohibited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-825.

§ 29-822. Limitations upon the return on capital.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-831.

§ 29-823. Eligibility and admission to membership.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-801.

§ 29-826. Transfer of shares and membership—Withdrawal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-825.

§ 29-831. Allocation and distribution of net savings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-801.

§ 29-836. Dissolution—Methods—Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-805, 29-831.

§ 29-837. Penalties—Unauthorized use of name “co-operative”—Existing cooperatives.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-801, 29-844.

§ 29-840. Existing cooperative groups—Acceptance of act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-801.

§ 29-841. Foreign corporations and associations—Admission to do business.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-801, 29-844.

Chapter 9.—BUSINESS CORPORATIONS (1954)

§ 29-904. General powers.

CROSS REFERENCE

Usury defined, see § 28-3303.

§ 29-905. Defense of ultra vires.

NOTES TO DECISIONS

Ultra vires

Nonprofit corporation representing persons engaged in business of selling, installing and servicing air-conditioning equipment was not vested with right to challenge capacity of District of Columbia gas company to enter into contractual arrangement for gas service on the ground that contract was ultra vires. *Association of Fair Competitive Practices in Air Conditioning, Inc. v. Public Service Commission of the District of Columbia, et al.* (1967, 372 F. 2d 934, 125 U.S. App. D.C. 361).

§ 29-908f. Expenses of organization, reorganization, and financing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-926.

§§ 29-917, 29-917a.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 29-926.

§ 29-925. Reduction of stated capital in certain cases.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-925a.

§ 29-933. Admission of foreign corporation—Exemption from certificate requirement in certain cases—Service of process on exempt corporations—Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(229 and 230) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (e) (2) and (5) as to fixing fees relating to process, and making rules and regulations relating to service of process, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 29-933i. Service of process on foreign corporation.

NOTES TO DECISIONS

Transacting business

Alabama insurance corporation which received insurance applications at its principal office in Alabama and for the past ten years mailed contracts of insurance to District of Columbia residents whose applications were accepted, which employed independent adjusting firm in the District on case by case basis to investigate and attempt settlement of claims against its policyholders, and which also employed attorneys to defend actions against its policyholders was maintaining a “regular, continuous course of business” in the District under statute and was subject to in personam jurisdiction by delivery of copy of complaint to District commissioners. *J. V. Stevens etc. v. American Service Mutual Insurance Co.; American Service Mutual Insurance Co. v. J. V. Stevens etc.* (D.C. App. 1967, 234 A. 2d 305).

Absence of tangible indicia of corporate presence does not automatically mean that corporation is immune from service of process if it is, in fact, carrying on regular course of business in jurisdiction. *Id.*

§ 29-935. Commissioners—Duties and functions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(231 and 232) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (c) and (f) in the particulars outlined in pars. 231 and 232, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-1093.

§ 29-936. Fees and license taxes, and charges.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(233) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b) (21) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 29-945. Waiver of notice.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-910a, 29-916g.

§ 29-952. Reincorporation or incorporation of existing corporations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-908g, 29-952a.

§ 29-953. Transfer of duties of Recorder of Deeds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-902.

Chapter 10.—NONPROFIT CORPORATIONS

§ 29-1092. Fees for filing documents and issuing certificates.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(234) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (s) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 29-1093. Commissioners: Duties and functions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(235) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (e) relating to regulations and penalties as set out in par. 235, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 30.—DOMESTIC RELATIONS

Chapter 1.—MARRIAGE

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 11-1161.

§§ 30-101, 30-103.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 16-903.

§ 30-104. Annulment—Party plaintiff—Next friend—Capable person who knowingly contracted illegal marriage.

NOTES TO DECISIONS

Latches and estoppel

Statutory estoppel is not applicable in an action for an annulment of marriage on the ground that plaintiff's divorce from prior marriage had not become legally effective, at the time of second marriage. *T. Taylor v. F. C. Taylor* (D.C. App. 1967, 233 A. 2d 43).

§ 30-106. Persons authorized to perform marriage ceremony.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30-107, 30-112.

§ 30-108. Celebration of marriage without license—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30-107.

§ 30-109. Issuance of license.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30-120.

§ 30-118. Marriage license applications as public records and open to inspection—Accessibility.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30-123.

§ 30-119. Premarital examinations—Statements regarding blood test to be filed with license application.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30-120 to 30-123.

§ 30-120. Waiver of requirement for blood test and waiting period in certain cases.

If a judge of the District of Columbia Court of General Sessions determines that public policy or the physical condition of either of the persons applying for a marriage license requires the intended marriage to be celebrated without delay, he may waive the provisions of sections 30-109 and 30-119, and a license may be issued without regard to such sections. (Oct. 15, 1966, 80 Stat. 959, Pub. L. 89-682, § 3; July 7, 1967, Pub. L. 90-53, § 1, 81 Stat. 122.)

AMENDMENT

1967—Act of July 7, 1967, amended section by striking "United States District Court for the District of Columbia" and inserting in lieu "District of Columbia Court of General Sessions".

EFFECTIVE DATE

Section as effective upon expiration of 90 days after date of its enactment (Oct. 15, 1966), see § 7 of act of Oct. 15, 1966, set out as a note under § 30-118.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30-123.

§§ 30-121, 30-122.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 30-123.

§ 30-123. Penalties for wrongful acts or failure to comply with sections 30-118 to 30-123.

Whoever—

(1) knowingly divulges, other than in accordance with the provisions of sections 30-118 to 30-123, any information, derived from the laboratory blood test required by section 30-119, relating to any person suffering, or suspected to be suffering from, syphilis,

(2) knowingly misrepresents any fact called for by the statement required by such section, or knowingly falsifies any material fact in connection with the laboratory blood test required by such section,

(3) knowingly issues a marriage license without having received the statement required under such section or an order of the District of Columbia Court of General Sessions issued under section 30-120, or

(4) otherwise fails to comply with any other provision of sections 30-118 to 30-123. shall be imprisoned for not more than six months, or fined not more than \$250, or both. Prosecutions for violations of this section shall be conducted by the Corporation Counsel for the District of Columbia. (Oct. 15, 1966, 80 Stat. 960, Pub. L. 89-682, § 6; July 7, 1967, Pub. L. 90-53, § 1, 81 Stat. 122.)

AMENDMENT

1967—Act of July 7, 1967, amended section by striking "United States District Court for the District of Columbia", and inserting in lieu "District of Columbia Court of General Sessions".

EFFECTIVE DATE

Section as effective upon expiration of 90 days after date of its enactment (Oct. 15, 1966), see § 7 of act Oct. 15, 1966, set out as a note under § 30-118.

Chapter 2.—PROPERTY RIGHTS

§ 30-216. Release of dower.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45-501.

Chapter 3.—UNIFORM SUPPORT

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 11-1141, 11-1161.

§ 30-302. Definitions.

NOTES TO DECISIONS

Duration of support

Father's motion to vacate and set aside all support orders entered against him, under Uniform Reciprocal Enforcement of Support Act, was premature where filed before child's 18th birthday, and judgment under Act required current support payments until child reached 18. *W. Howze v. E. Howze* (D.C. App. 1967, 225 A. 2d 477).

Law governing

District of Columbia judgment, under Uniform Reciprocal Enforcement of Support Act, requiring husband to make support payments until child reaches 18, was not in conflict with doctrines of res judicata or full faith and credit regarding Michigan divorce decree which required payments only until age 17. *W. Howze v. E. Howze* (D.C. App. 1967, 225 A. 2d 477).

§ 30-303. Remedies additional to those now existing.

NOTES TO DECISIONS

Additional support

Under Uniform Reciprocal Enforcement of Support Act, wife, who has obtained foreign divorce, may petition for additional support after divorce decree has been fully satisfied. *W. Howze v. E. Howze* (D.C. App. 1967, 225 A. 2d 477).

Decision determining father's continued liability under judgment previously entered under Uniform Act and requiring support payments until Michigan child should reach 18, would not impair right of mother, who had obtained Michigan divorce, to petition Michigan court for further support under Uniform Act after child reached 18. *Id.*

Imprisonment for contempt

The intermediate appellate court was quite aware that order of imprisonment must take into account the financial ability of the contemnor to comply with the terms of a court order, and that the appellant failed to make a showing of lack of financial ability in this case. *J. R. Scott v. I. R. Scott* (1967, 382 F. 2d 461, — U.S. App. D.C. —).

Money judgment

Money judgment was proper means of collecting arrears in payments due under foreign decree for support

of child. *W. Howze v. E. Howze* (D.C. App. 1967, 225 A. 2d 477).

§ 30-304. Extent of duties of support.

NOTES TO DECISIONS

Support duties

Under Uniform Reciprocal Enforcement of Support Act, enforceable duties of support include those imposed or imposable under laws of any state where alleged obligor was present during period for which support was sought. *W. Howze v. E. Howze* (D.C. App. 1967, 225 A. 2d 477).

§ 30-310. Duty of court when District of Columbia is initiating State.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30-314.

§ 30-315. Order of support—Bond—Contempt.

NOTES TO DECISIONS

Imprisonment for contempt

The intermediate appellate court was quite aware that order of imprisonment must take into account the financial ability of the contemnor to comply with the terms of a court order, and that the appellant failed to make a showing of lack of financial ability in this case. *J. R. Scott v. I. R. Scott* (1967, 382 F. 2d 461, — U.S. App. D.C. —).

§ 30-319. Application of payments—Crediting on account of other support orders.

NOTES TO DECISIONS

Application of support payments

Under support order, rendered under Uniform Act, requiring father to make support payments until child reached 18, and including "money judgment" for arrearages, any "current" payments made after 18th birthday might be applied to reduce arrearage indebtedness. *W. Howze v. E. Howze* (D.C. App. 1967, 225 A. 2d 477).

§ 30-320. Support of illegitimate children.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30-302.

TITLE 31.—EDUCATION AND CULTURAL INSTITUTIONS

Chapter 1.—BOARD OF EDUCATION

Sec.

31-121. Education of pages—Board authorized to employ and compensate personnel.

§ 31-101. Qualifications and appointment—Compensation—Secretary—Meetings—Members exempt from personal liability—Costs and supersedeas bond.

TRANSFER OF FUNCTIONS OF THE BOARD OF COMMISSIONERS

Section 501 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"Status of certain agencies. (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

"(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

"(1) Board of Education (including the public school system)

"(2) Board of Library Trustees (including the public libraries)

"(3) Recreation Board

"(4) Public Service Commission

"(5) Zoning Commission

"(6) Zoning Advisory Council

"(7) Board of Zoning Adjustment

"(8) Office of the Recorder of Deeds

"(9) Armory Board"

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-1601, 31-1621.

NOTES TO DECISIONS

Constitutionality of appointment of school board

Constitutional provision empowering Congress to exercise exclusive legislation in all cases whatsoever over the District of Columbia gave Congress power to enact statute providing that members of the District of Columbia board of education shall be appointed by United States District Court judges of the district. *J. W. Hobson, etc., et al. v. C. F. Hansen, Superintendent etc., et al.* (1967 265 F. Supp. 902).

Constitutional provision that Congress may by law vest appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in heads of departments empowered Congress to enact statute providing that members of the District of Columbia board of education shall be appointed by United States District Court judges of the District of Columbia. *Id.*

The fact that in a number of instances Congress has conferred appointive power upon court or judges of United States District Court for the District of Columbia was not conclusive on issue of validity of statute permitting appointment of members of District of Columbia board of education by United States District Court judges of the District of Columbia but demonstrated the deep-seated congressional view of the constitutional issue and was entitled to weight in judicial decision on that issue. *Id.*

Power conferred upon judges by statute stating that members of District of Columbia board of education shall be appointed by United States District Court judges of District of Columbia does not violate doctrine of separation of powers. *Id.*

The validity of congressional conference upon United States District Court judges of District of Columbia of power to appoint District of Columbia board of education members is not to be denied merely because an appointee in carrying out his own separation functions might become involved in controversies; the board members are accountable under the law for the manner in which they perform their duties. *Id.*

Impairment of judicial function

Appointive power conferred by Congress under statute providing that members of District of Columbia board of education shall be appointed by United States District Court judges of the District of Columbia does not violate due process though litigation might arise before the district court over manner in which the board administers the schools. *J. W. Hobson etc., et al. v. C. F. Hansen, Superintendent etc., et al.* (1967, 265 F. Supp. 902).

Court could not presume that in any future case, which might involve performance by members of District of Columbia board of education of their duties, a denial of due process would occur by reason of statute empowering United States District Court judges of the District of Columbia to appoint the board members. *Id.*

The official act of a judge of the United States District Court for the District of Columbia in participating in selection of District of Columbia board of education members does not in and of itself preclude on due process grounds the ability of the judge to decide fairly the merits of litigation challenging validity of performance by board member of his duties as such. *Id.*

Pupils and parents interest to challenge school board's authority

Pupils in public schools administered by District of Columbia board of education and parents of those pupils had sufficient interest to challenge authority of the board to administer the schools on theory that statute providing that members of board shall be appointed by United States District Court judges of the District of Columbia is unconstitutional. *J. W. Hobson, etc., et al. v. C. F. Hansen, Superintendent etc., et al.* (1967, 265 F. Supp. 902).

The fact that issue of basic authority of District of Columbia board of education to administer schools might escape resolution unless pupils and their guardians or parents had standing to challenge validity of statute purportedly giving that authority argued for resolving doubts, if any, as to standing in favor of the pupils, parents, and guardians, in absence of hard and fast rule governing standing to sue. *Id.*

§ 31-106. Superintendent authorized to act between meetings of the board.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-107.

§ 31-118. Teachers' college—Expansion of normal schools.

CROSS REFERENCE

Assumption of control of District of Columbia Teachers College by Board of Higher Education, transfer of personnel, property, etc., exceptions, etc., see § 31-1603(a) (12).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1603.

§ 31-121. Education of pages—Board authorized to employ and compensate personnel.

The Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and

to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe. (July 28, 1967, Pub. L. 90-57, § 101, 81 Stat. 134.)

SIMILAR PROVISIONS

Provisions similar to those in this section were contained in a number of earlier Legislative Appropriation Acts.

CODIFICATION

The provisions of this section were taken from the Legislative Appropriation Act for 1968 and are contained in Pub. L. 90-57, 81 Stat. 135, under the heading, "Education of Pages", which provides for the education of Congressional and Supreme Court pages.

Chapter 2.—COMPULSORY SCHOOL ATTENDANCE AND WORK PERMITS

§ 31-201. Resident children of 7 to 16 years to have instruction during school year—Duty of parent or guardian.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 31-202, 31-205, 31-208, 31-210 to 31-213.

§ 31-202. Employed children between 14 and 16 excused from attendance after completing eighth grade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 31-205, 31-208, 31-210 to 31-213.

§§ 31-203, 31-204.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 11-1557, 31-202, 31-205, 31-208, 31-210 to 31-213.

§ 31-205. Daily record of attendance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 31-202, 31-208, 31-210 to 31-213.

§ 31-206. Designated absences in a month to be reported.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 31-202, 31-205, 31-208, 31-210 to 31-213.

§ 31-207. Failure to keep child at school a misdemeanor—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 16-2383, 31-202, 31-205, 31-208, 31-210 to 31-213.

SCHOOL CENSUS

§ 31-208. Census of children between ages of 3 and 18 years—Daily amendment—Details of enumeration.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 31-202, 31-205, 31-210 to 31-213.

§ 31-209. Enrollment and withdrawal of pupils to be reported.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 31-202, 31-205, 31-208, 31-210 to 31-213.

§ 31-210. Neglect or refusal to furnish information for enumeration—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 31-202, 31-205, 31-208, 31-211 to 31-213.

ADMINISTRATION

§ 31-211. Department of school attendance and work permits—Creation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 31-212, 31-213, 36-209.

§ 31-212. Director—Appointment—Employees—Competitive examinations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 31-211, 31-213, 36-209.

§ 31-213. Juvenile court given jurisdiction.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 31-211, 31-212, 36-209.

Chapter 3.—TUITION OF NONRESIDENTS

§ 31-301a. Attendance at Teachers' College by foreign students.

CROSS REFERENCE

Assumption of control of District of Columbia Teachers College by Board of Higher Education, transfer of personnel, property, etc., exceptions, etc., see § 31-1603(a) (12).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-310.

§ 31-307. Payment of tuition by nonresidents—Board of Education to fix tuition—Deposit of payments—Exception.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(236) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-308 to 31-311.

§ 31-308. Board of Education to determine who is required to pay tuition—Penalties—Prosecutions to be conducted by Corporation Counsel.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(237) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-309 to 31-311.

§ 31-309. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-308, 31-310, 31-311.

§ 31-310. Authority of Commissioners not affected—Delegation of functions—Section 31-301a to remain in full force and effect.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-308, 31-309, 31-311.

§ 31-311. Payment of tuition by students of Teachers College.

CROSS REFERENCE

Assumption of control of District of Columbia Teachers College by Board of Higher Education, transfer of personnel, property, etc., exceptions, etc., see § 31-1603(a) (12).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-308 to 31-310.

Chapter 6.—TEACHERS, SCHOOL OFFICERS, AND OTHER EMPLOYEES IN GENERAL

§ 31-609. Commencement of compensation—Installment payments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1402.

§§ 31-610, 31-612.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 31-632.

METHOD OF PROMOTION OF EMPLOYEES

§ 31-630. Rules for division of time and computation of pay for services.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1402.

§§ 31-631 or 31-631a.

SECTIONS REFERRED TO IN U.S. CODE

These sections are referred to in title 5 section 5533 of the U.S. Code.

SABBATICAL YEAR

§§ 31-632, 31-633.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 31-634 to 31-637, 31-728, 31-1546.

§ 31-634. Teachers' salary while on leave for educational purposes—Deductions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-728, 31-635, to 31-637, 31-1546.

§ 31-635. Employees other than elementary and secondary school teachers—Salary while on leave—Deductions—Temporary employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-634, 31-636, 31-637, 31-728, 31-1546.

§ 31-636. Inclusion of sabbatical year for promotion and retirement purposes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-634, 31-635, 31-637, 31-728, 31-1546.

§ 31-637. Masculine pronoun construed to include female employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-634 to 31-636, 31-728, 31-1546.

§§ 31-638 to 31-658.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 31-622a.

TEACHERS' SALARY ACT OF 1947

§ 31-659. Transferred.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-691a, 31-697.

§ 31-676. Repealed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-692.

SICK AND EMERGENCY LEAVES

§ 31-691. Sick and emergency leaves authorized for teachers and attendance officers.

All teachers and attendance officers in the employ of the Board of Education of the District of Columbia shall be entitled to cumulative leave with pay for personal illness, presence of contagious disease or death in the home, or pressing emergency, in accordance with such rules and regulations as the said Board of Education may prescribe. Such cumulative leave with pay shall be granted at the rate of one day for each month from September through June of each year, both inclusive. Under such rules and regulations as the Board of Education may prescribe any teacher or attendance officer may use three days of such cumulative leave with pay in any school year for any purpose, upon giving timely notice of intended absence. (Oct. 13, 1949, 63 Stat. 842, ch. 686, § 1; Oct. 29, 1951, 65 Stat. 660, ch. 601, § 1; Dec. 18, 1967, Pub. L. 90-212, § 1(a), 81 Stat. 659.)

AMENDMENT

1967—Section 1(a), Act Dec. 18, 1967, Pub. L. 90-212, amended section by striking out the third sentence, which read as follows: "The total cumulation shall not exceed seventy-five days for probationary and permanent teachers and attendance officers, and the total cumulation shall not exceed twenty days for temporary teachers and attendance officers."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-691a, 31-692, 31-694a, 31-697, 31-1545.

§ 31-692. Additional leave credits for service prior to July 1, 1949.

In addition to the cumulative leave provided by section 31-691, each probationary and permanent teacher shall be credited on July 1, 1949, with one day of leave with pay for each complete year of service in the public schools of the District of Columbia prior to July 1, 1949: *Provided*, That the leave credited under the provisions of this section shall be granted for the same purposes as leave with pay is provided in section 31-691. Attendance officers shall be credited on July 1, 1949, with all cumulative leave with pay to which they are entitled on June 30, 1949, under the provisions of section 31-676. No attendance officer shall be entitled to annual or sick leave with pay under the provisions of any other act. (Oct. 13, 1949, 63 Stat. 842, ch. 686, § 2; Oct. 29, 1951, 65 Stat. 660, ch. 601, § 2; Dec. 18, 1967, Pub. L. 90-212, § 1(b), 81 Stat. 659.)

AMENDMENT

1967—Section 1(b), Act Dec. 18, 1967, Pub. L. 90-212, amended the last sentence to read as above set out. This amendment resulted in the deletion of the following language from the sentence: "The total cumulation of leave with pay allowable under sections 31-691, 31-692 to 31-697 and the District of Columbia Teachers' Salary Act of 1947 shall not exceed seventy-five days, and".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-691a, 31-694a, 31-697, 31-1545.

§ 31-693. Application of credits to maternity leaves authorized.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-691a, 31-692, 31-694a, 31-697, 31-1545.

§ 31-694. Additional leaves in emergencies.

In cases of serious disability or ailments, and when required by the exigencies of the situation, and in accordance with such rules and regulations as the Board of Education may prescribe, the superintendent of schools may advance additional leave with pay not to exceed thirty days to every probationary or permanent teacher or attendance officer who may apply for such advanced leave. (Oct. 13, 1949, 63 Stat. 843, ch. 686, § 4; Oct. 29, 1951, 65 Stat. 660, ch. 601, § 3; Dec. 18, 1967, Pub. L. 90-212, § 1(c), 81 Stat. 659.)

AMENDMENT

1967—Section 1(c), Act Dec. 18, 1967, Pub. L. 90-212, amended section by striking out "twenty-five" and inserting "thirty".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-691a, 31-692, 31-694a, 31-697, 31-1545.

§§ 31-695, 31-696.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 31-691a, 31-692, 31-694a, 31-697, 31-1545.

§ 31-697. Rules and regulations—Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-691a, 31-692, 31-694a, 31-1545.

§ 31-698. Regulation of vacation periods and annual leave by the Board of Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-698a, 31-1544.

§ 31-698a. Leave accrued prior to March 5, 1952—Authority of Board of Education to promulgate rules.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-698, 31-1544.

TEACHER FOREIGN EXCHANGE PROGRAM

§§ 31-699, 31-699a.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 31-699b, 31-1547.

§ 31-699b. Payment of salary during exchange.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1547.

Chapter 7.—RETIREMENT OF PUBLIC SCHOOL TEACHERS

SUBCHAPTER II.—RETIREMENT AFTER JUNE 30, 1946

Sec.

31-723. Voluntary and involuntary retirement—Minimum period of service—Eligibility for retirement—Separation from service—Computation of length of service—Computation, commencement and termination of annuity.

31-729. Deferred annuity—Refunds—Deposit of amount withdrawn—Annuity to Survivors—Termination and restoration of annuity—Determination of dependency and disability.

31-730. Beneficiaries—Order of precedence for payment of lump-sum benefits—Payment of lump-sum credit—Definitions.

Sec.

31-739c. Commissioners of the District of Columbia and Board of Commissioners of the District of Columbia, defined.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 31-695, 31-696a, 31-1548.

SUBCHAPTER I.—RETIREMENT BEFORE JUNE 30, 1946

§ 31-702. Deductions deposited in United States Treasury to credit of teacher—Income from investments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-722.

§ 31-703. Retirement age—Continuous-employment requirements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-705, 31-709.

§ 31-704. Retirement for disability after age of 45—Leave of absence without pay not exceeding two years—No break in continuous service—Medical examination.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-705, 31-706, 31-709.

§ 31-705. Annuity allowance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-706, 31-707.

§ 31-707. Longevity payable from District revenues—Calculation of annual appropriations—Certification to Budget Bureau—Reserves held by Treasury of United States—Interest.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-722.

§ 31-717. Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(238) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in regard to making rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SUBCHAPTER II.—RETIREMENT AFTER JUNE 30, 1946

§ 31-721. Deductions—Interest bearing accounts—Optional deposits—Refunds.

Beginning on the first day of the second month following June 4, 1957, there shall be deducted and withheld from the annual salary of each teacher in the public schools of the District of Columbia an amount equal to 6½ per centum of the teacher's annual salary. The amounts deducted and withheld from the annual salary of each teacher, including amounts so deducted and withheld prior to the effective date of this subchapter under subchapter I of this chapter, shall be credited to an individual account of the teacher from whose salary the deduction is made, together with interest at 4 per centum per annum, compounded annually up to the effective date of this subchapter and thereafter at 3 per centum per annum, compounded annually from December 31 of the year in which the deduc-

tions are made: *Provided*, That such interest shall not be credited after December 31, 1956, except that in the case of a teacher separated before he has completed five years of eligible service interest shall be credited to the date of separation. These individual interest-bearing accounts shall be kept by the Auditor of the District of Columbia.

* * * * *

(As amended Dec. 29, 1967, Pub. L. 90-231, § 1(1), 81 Stat. 747.)

AMENDMENT

1967—Section 1(1), Act Dec. 29, 1967, Pub. L. 90-231, amended the proviso in the second sentence of the first paragraph by striking out "teaching service" and inserting in lieu "eligible service".

COMMISSIONERS OF THE DISTRICT OF COLUMBIA, DEFINED

Section 31-739c provides in part: "Wherever the term 'Commissioners of the District of Columbia' is used in sections 31-721 and 31-736, as amended, such term shall be deemed to mean the District of Columbia Council."

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(239) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section as to prescribing regulations regarding the deposit of additional sums by any teacher, and prescribing table of mortality, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

CROSS REFERENCE

For definitions of "Commissioners of the District of Columbia" or "Board of Commissioners of the District of Columbia", see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-634, 31-635, 31-724, 31-728, 31-729, 31-1542, 31-1603.

§ 31-722. Retirement and annuity fund—Income from investments—Separate accounts.

CROSS REFERENCE

For definitions of "Commissioners of the District of Columbia" or "Board of Commissioners of the District of Columbia", see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-721, 31-724, 31-725, 31-735, 31-1542, 31-1603.

§ 31-723. Voluntary and involuntary retirement—Minimum period of service—Eligibility for retirement—Separation from service—Computation of length of service—Computation, commencement and termination of annuity.

(a) Any teacher who completes five years of eligible service and who is separated from the service—

(1) after becoming fifty-five years of age and completing thirty years of service,

(2) after becoming sixty years of age and completing twenty years of service, or

(3) after becoming sixty-two years of age, is entitled to an annuity.

(b) Any teacher who completes five years of eligible service and who is involuntarily separated from the service, except by removal for cause on charges of misconduct or delinquency, after (1) completing twenty-five years of service, or (2) becoming fifty

years of age and completing twenty years of service, is entitled to an annuity reduced by one-sixth of 1 per centum for each full month such teacher is under the age of fifty-five years at the date of his separation from the service.

(c) Any teacher who completes five years of eligible service and who becomes sixty-two years of age may be separated from the service by the Board of Education upon the written recommendation of the Superintendent of Schools. Any teacher who becomes seventy years of age shall be separated from the service unless upon the written recommendation of the Superintendent of Schools two-thirds of the members of the Board of Education vote to retain such teacher in the public schools for the good of the service.

(d) (1) The length of a teacher's service shall be computed in accordance with section 31-728.

(2) The amount of an annuity authorized by this section shall be computed in accordance with section 31-725.

(3) Each annuity authorized by this section shall commence on the day after the teacher is separated from the service and shall terminate on the date the teacher dies. (Aug. 7, 1946, 60 Stat. 876, ch. 779, § 3; Mar. 6, 1952, 66 Stat. 17, ch. 95, § 2; June 4, 1957, 71 Stat. 46, Pub. L. 85-46, § 1; Dec. 29, 1967, Pub. L. 90-231, § 1(2), 81 Stat. 747.)

AMENDMENT

1967—Section 1(2) of Act Dec. 29, 1967, Pub. L. 90-231, amended section to read as above set out. For provisions of section prior to this amendment see 1967 edition of the code.

CROSS REFERENCE

For definitions of "Commissioners of the District of Columbia" or "Board of Commissioners of the District of Columbia", see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-724, 31-725, 31-729, 31-1542, 31-1603.

§ 31-724. Disability—Annual examination—Reappointment—Discontinued annuity—Voluntary deposits.

Any teacher who completes five years of eligible service, and who, before becoming eligible for retirement under the conditions defined in sections 31-721 to 31-723, becomes physically or mentally disabled and incapable of satisfactorily performing the duties of his position, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the teacher, shall upon his own application or upon order of the Board of Education as provided later in this section be retired on an annuity computed in accordance with the provisions of sections 31-725 and 31-726 and beginning on the day after his pay ceases and he meets the service and disability requirements for title to annuity. Proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior

to the applicant's separation from the service or within six months thereafter. No teacher shall be retired under the provisions of this section unless examined under the direction of the Director of Public Health of the District of Columbia, and as a result of said examination, in his judgment, or in the judgment of the Superintendent of Schools concurred in by two-thirds of the members of the Board of Education, shall have been found to be physically or mentally incapacitated for efficient service.

* * * * *

(As amended Dec. 29, 1967, Pub. L. 90-231, § 1(3), 81 Stat. 747.)

AMENDMENT

1967—Section 1(3) of Act Dec. 29, 1967, Pub. L. 90-231, amended section as follows:

(1) Struck out in the first paragraph "Any teacher to whom this Act (this subchapter) applies who shall have served on active duty in the public schools of the District of Columbia for a total period of not less than five years" and inserted in lieu "Any teacher who completes five years of eligible service",

(2) Struck out in the first paragraph "sections 5 and 6 hereof: Provided, That proof" and inserted in lieu "sections 5 and 6 (31-725 and 31-726) of this Act and beginning on the day after his pay ceases and he meets the service and disability requirements for title to annuity. Proof".

CROSS REFERENCE

For definitions of "Commissioners of the District of Columbia" or "Board of Commissioners of the District of Columbia", see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-725, 31-725a, 31-726, 31-729, 31-1542, 31-1603.

§ 31-725. Computation of annuity—Options.

(a) Except as otherwise provided in this subchapter, every teacher who shall be retired under the provisions of section 31-723 or section 31-724 shall receive an annuity composed of (1) the larger of (A) $1\frac{1}{2}$ per centum of the average salary as defined in section 31-733, multiplied by so much of the total service as does not exceed five years, or (B) 1 per centum of the average salary, plus \$25, multiplied by so much of the total service as does not exceed five years, plus (2) the larger of (A) $1\frac{3}{4}$ per centum of the average salary multiplied by so much of the total service as exceeds five years but does not exceed ten years, or (B) 1 per centum of the average salary, plus \$25, multiplied by so much of the total service as exceeds five years but does not exceed ten years, plus (3) the larger of (A) 2 per centum of the average salary multiplied by so much of the total service as exceeds ten years, or (B) 1 per centum of the average salary, plus \$25, multiplied by so much of the total service as exceeds ten years. Each annuity is stated as an annual amount, one-twelfth of which, fixed at the nearest dollar, constitutes the monthly rate payable on the first business day of the month after the month or other period for which it has accrued. Annuities payable to any retired teacher who has become eligible for retirement because of age as defined in section 31-723 shall be payable during the lifetime of the annuitant. Annuities payable to any teacher retired

on account of disability shall be subject to the conditions set forth under section 31-724.

(b) Any teacher retiring under the provisions of section 31-723 or 31-724 may at the time of retirement, elect to receive in lieu of the life annuity described herein one of the following:

(1) A reduced annuity and an annuity after death payable to his or her surviving widow or widower designated by such teacher at time of retirement equal to 55 per centum of such life annuity. The life annuity of the teacher making such election, excluding any increase because of retirement under section 31-724, shall be reduced by $2\frac{1}{2}$ per centum of so much thereof as does not exceed \$3,600 and by 10 per centum of so much thereof as exceeds \$3,600. The annuity of such widow or widower shall begin on the day after the retired teacher dies. Such annuity and any right thereto shall terminate on the last day of the month before (A) the widow or widower dies, or (B) the widow or widower remarries before becoming sixty years of age. In the case of a surviving widow or widower whose annuity under this paragraph is terminated because of remarriage before becoming sixty years of age, annuity at the same rate shall be restored commencing on the day the remarriage is dissolved by death, annulment, or divorce, if—

(i) the surviving widow or widower elects to receive the annuity which was terminated instead of a survivor benefit to which the surviving widow or widower may be entitled, under this Act or another retirement system for employees of the Federal or District Government, by reason of the remarriage; and

(ii) any lump sum paid on termination of the annuity is returned to the teachers' retirement and annuity fund established under section 31-722.

(2) If unmarried and in good health, a reduced annuity payable to him during his life, and an annuity after his death payable to a survivor annuitant having an insurable interest in such teacher, duly designated in writing and filed with the Auditor of the District of Columbia at the time of retirement, during the life of such survivor annuitant equal to 50 per centum of such reduced annuity. The annuity of the survivor annuitant shall commence on the day after the retired teacher dies, and such annuity and any right thereto shall terminate on the last day of the month before the death of the survivor annuitant. The annuity hereunder payable to the teacher shall be 90 per centum of the life annuity otherwise payable if the survivor annuitant is the same age or older than the annuitant, or is less than five years younger than the annuitant; 85 per centum if the survivor annuitant is five but less than ten years younger; 80 per centum if the survivor annuitant is ten but less than fifteen years younger; 75 per centum if the survivor annuitant is fifteen but less than twenty years younger; 70 per centum if the survivor annuitant is twenty but less than twenty-five years younger; and 60 per centum if the survivor

annuitant is twenty-five or more years younger. No such election shall be valid until the retiring teacher shall have satisfactorily passed a physical examination under the direction of the Director of Public Health of the District of Columbia, as prescribed by the Board of Education. No person shall be eligible to receive an annuity under subsection (b) of section 31-729 based upon the service of the same teacher covering the same period of time.

* * * * *

(As amended Dec. 29, 1967, Pub. L. 90-231, § 1(4), 81 Stat. 748.)

AMENDMENTS

1967—Section 1(4), Act Dec. 29, 1967, Pub. L. 90-231, amended the section as follows:

(1) The second sentence of subsection (a) was amended to read as above set out. Before this amendment the said sentence read as follows: "Annuities granted under the terms of this subchapter shall accrue monthly and shall be due and payable in monthly installments at the beginning of the month following the month for which the annuity shall have accrued, such monthly installments being computed to the nearest dollar."

(2) By striking out the last sentence of par. (1) of subsection (b) and inserting the new matter above set out starting with the words "The annuity" and ending with "section 31-722." The said sentence before this amendment read as follows: "The annuity of such widow or widower shall begin on the first day of the month immediately following the month in which the death of the retired teacher occurs or the first day of the month following the widow's or widower's attainment of age fifty, whichever is the later, and such annuity or any right thereto shall terminate upon his or her death or remarriage."

(3) By striking out in the first sentence of par. 2 of subsection (b) "and upon the death of such survivor annuitant all payments shall cease and no further annuity shall be due and payable" and by adding after such sentence the new sentence above set out beginning with the words "The annuity" and ending with the word "annuitant".

REFERENCE IN TEXT

"This Act" referred to in text is set out as sections 31-721 to 31-725 and 31-726 to 31-739c.

CROSS REFERENCE

For definitions of "Commissioners of the District of Columbia" or "Board of Commissioners of the District of Columbia", see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-723, 31-724, 31-725b, 31-726, 31-728 to 31-730, 31-739, 31-1542, 31-1603.

§ 31-726. Annuity of teachers retired for disability.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-724, 31-1542, 31-1603.

§ 31-727. Appropriations calculation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1603.

§ 31-728. Term of service—Reduction of annuity—Contributions on leave—Monthly deposits.

The years of service which form the basis for determining the amount of the annuity provided in section 31-725(a) shall be computed from the date of original probationary appointment as a teacher in the public schools of the District of Columbia, including so much of any authorized leaves of absence without pay beginning on the effective date of this amendatory Act, as does not exceed six months in

the aggregate in any fiscal year, plus any service credit that may be allowed under the provisions of this section: *Provided*, That the total credit granted for leaves of absence without pay shall not exceed one year: *Provided further*, That deposits equal to 5 per centum of those portions of salary received between July 1, 1949, and the effective date of this amendatory Act for which service credit was not earned may be made, and service credit received accordingly. In computing the length of service of retiring teachers credit may be given, year for year, for (a) public-school service or its equivalent outside the District of Columbia but not to exceed ten years; (b) continuous temporary service in the public schools of the District of Columbia immediately prior to probationary appointment; (c) service in the government of the District of Columbia or the Government of the United States allowable under sections 1308, 3323, and 8331—8348 of title 5, U.S. Code [relating to retirement of government employees]; (d) periods of honorable active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States (but not the National Guard except when ordered to active duty in the service of the United States) prior to the date of the separation upon which title to annuity is based; except that, if a teacher is awarded retired pay on account of military service, his military service shall not be included unless such retired pay is awarded on account of a service-connected disability (1) incurred in combat with an enemy of the United States or (2) caused by an instrumentality of war and incurred in line of duty during an enlistment or employment as provided in Veterans Regulation Numbered 1 (a), part 1, paragraph 1, or is awarded under title III of Public Law 910, Eightieth Congress; (e) all educational leaves of absence with part pay authorized by the Board of Education in accordance with sections 31-632 to 31-637; and (f) continuous temporary service as an employee of any cafeteria or lunchroom operated in the public school buildings of the District of Columbia during any period prior to the date on which such cafeteria or lunchroom is placed under the Office of Central Management, Department of Food Services, District of Columbia, and immediately prior to probationary appointment as a teacher in the public schools of the District of Columbia: *Provided, however*, That that portion of the annuity which results from credit for service allowable under (a) and (c) of this section shall be reduced by the amount of any annuity which the retired teacher is entitled to receive under any Federal, State, or municipal retirement or pension system in respect to such service, except that such portion of the annuity after reduction shall not be less than the annuity purchasable with the deposit which the teacher is required to make under the provisions of this section in order to obtain credit for such service: *Provided further*, That no credit for service prescribed in this section, with the exception of periods of honorable service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States and all educational leaves of absence with part pay authorized by the Board of Education in accordance with sections 31-632 to 31-637, shall be given to any teacher entering the said public schools after June 30, 1926, until

he shall have deposited to the credit of the teachers' retirement and annuity fund of the District of Columbia a sum equal to the accumulated contributions and interest which he would have had credited to his individual account if such service had been rendered on active duty in the public schools of the District of Columbia, said contributions to be based on the average annual salary of the class to which the teacher is appointed: *Provided further*, That all contributions to the retirement fund made by any teacher on educational leave with part pay shall be determined in accordance with the provisions of section 31-721, but otherwise no provision of this subchapter shall be interpreted to deprive any teacher employed by the Board of Education of any rights or benefits allowable under sections 31-632 to 31-637. If the teacher so elects he may deposit the required sum in the teacher's retirement and annuity fund in monthly installments with interest at 3 per centum per annum compounded annually, upon making a claim with the Commissioner of the District of Columbia, or his designated agent. This section shall not be construed to allow any teacher more than one year's credit for all services rendered in any one fiscal year.

A teacher who during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress, has left or leaves his position to enter the military service, as defined in this section, shall not be considered, for the purposes of this subchapter, as separated from his teaching position by reason of such military service, unless he shall apply for and receive a lump-sum benefit under this subchapter, except that such teacher shall not be considered as retaining his teaching position beyond six months after the date of the approval of this Act or the expiration of five years of such military service, whichever is later.

Nothing in this subchapter shall affect the right of a teacher to retired pay, pension, or compensation in addition to the annuity herein provided. (Aug. 7, 1946, 60 Stat. 879, ch. 779, § 8; Mar. 6, 1952, 66 Stat. 19, ch. 95, § 7; Aug. 5, 1955, 69 Stat. 536, ch. 575, § 2; June 4, 1957, 71 Stat. 47, Pub. L. 85-46, § 1; Dec. 29, 1967, Pub. L. 90-231, § 1(5), 81 Stat. 748.)

AMENDMENT

1967—Section 1(5), Act Dec. 29, 1967, Pub. L. 90-231 struck out the following: "31-632 to 31-637: *Provided further*, That if the teacher so elects, he may deposit the required sum in the fund in any number of monthly installments not exceeding fifty with interest at 3 per centum per annum compounded annually, upon making claim with the Auditor, District of Columbia, within one year of the effective date of this subchapter, or within one year after the original probational appointment or reinstatement in the school service, or within two years after the date of honorable discharge from the military service: *And provided further*, That nothing contained herein shall be construed" and inserted in lieu the language above set out beginning with "Act of June 12, 1940" [sections 31-632 to 31-637] and ending with "This section, shall not be construed"; relating to monthly deposits into the retirement and annuity fund.

CROSS REFERENCE

For definitions of "Commissioners of the District of Columbia" or "Board of Commissioners of the District of Columbia", see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-723, 31-1603.

§ 31-729. Deferred annuity—Refunds—Deposit of amount withdrawn—Annuity to survivors—Termination and restoration of annuity—Determination of dependency and disability.

(a) Should any teacher to whom this subchapter applies, after completing five years of eligible service and before becoming eligible for retirement, become separated from the service, such teacher may elect to receive a deferred annuity, computed as provided in section 31-725, beginning at the age of sixty-two years and terminating on the date of his death: *Provided*, That any teacher who becomes separated from the public schools of the District of Columbia for other than retirement purposes and who does not elect to receive a deferred annuity as provided for in this section, shall receive as soon as practicable after separation the refund of deductions, deposits, or redeposits with interest thereon, or any voluntary contributions made under the provisions of section 31-721, with interest: *Provided further*, That no teacher who shall withdraw the amount of his deductions, deposits, or redeposits under this section shall, after reinstatement, be entitled to credit for previous service unless he shall deposit in the fund the amount so withdrawn by him: *And provided further*, That the amount required to be so deposited may be paid by the teacher, if he so elects, in any number of monthly installments, not exceeding one hundred, with interest at 3 per centum compounded annually.

(b)(1) In the event any teacher to whom this subchapter applies shall die subsequent to March 6, 1952 after completing five years of eligible service and is survived by a widow, or dependent widower, such widow or dependent widower shall be paid an annuity beginning the day after the teacher dies, equal to 55 per centum of the amount of an annuity computed as provided in section 31-725(a) with respect to such teacher. Such annuity and any right thereto shall terminate on the last day of the month before (A) the widow or dependent widower dies, (B) the widow or dependent widower remarries before becoming sixty years of age, or (C) the dependent widower becomes capable of self-support. In the case of a widow or dependent widower whose annuity under this paragraph is terminated because of remarriage before becoming sixty years of age, annuity at the same rate shall be restored commencing on the day the remarriage is dissolved by death, annulment, or divorce, if—

(i) the widow or dependent widower elects to receive the annuity which was terminated instead of a survivor benefit to which the widow or dependent widower may be entitled, under this Act or another retirement system for employees of the Federal or District Government, by reason of the remarriage; and

(ii) any lump sum paid on termination of the annuity is returned to the teachers' retirement and annuity fund established under section 31-722.

(2) If any teacher to whom this subchapter applies shall die after completing five years of eligible service or after having retired under the provisions of section 31-723 or section 31-724 and is survived by a wife or husband, each surviving child who received more than one-half of his support from the teacher shall be paid an annuity equal to the small-

est of (a) 40 per centum of the teacher's average salary divided by the number of children, (b) \$600, or (c) \$1,800 divided by the number of children. If such teacher is not survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (a) 50 per centum of the teacher's average salary divided by the number of children, (b) \$720, or (c) \$2,160 divided by the number of children. The child's annuity shall commence on the first day after the teacher dies. Such annuity and the right thereto terminate on the last day of the month before the child—

(A) becomes eighteen years of age unless he is then a student as described or incapable of self-support;

(B) becomes capable of self-support after becoming eighteen years of age unless he is then such a student;

(C) becomes twenty-two years of age if he is then such a student and capable of self-support;

(D) ceases to be such a student after becoming eighteen years of age unless he is then incapable of self-support; or

(E) dies or marries;

whichever first occurs.

Upon the death of the surviving wife or husband or termination of the annuity of the child, the annuity of any other child or children shall be recomputed and paid as though such wife, husband, or child had not survived the teacher.

(3) In the event any teacher to whom this subchapter applies shall die subsequent to March 6, 1952 after completing five years of eligible service, and is not survived by a widow, a dependent widower, and or children, but is survived by dependent parents or a dependent father or a dependent mother, such surviving dependent parents or parent shall be paid an annuity, beginning the first day of the month following the death of the teacher, equal to one-half the amount of an annuity computed as provided in section 31-725(a) with respect to such teacher: *Provided*, That such payments shall be made jointly to surviving dependent parents and payment of said annuity shall continue after the death of either dependent parent: *Provided further*, That all such payments or any right thereto shall cease upon the death of both dependent parents.

(c) As used in this section—

(1) The term "widow" means a surviving wife of an individual, who either shall have been married to such individual for at least two years immediately preceding his death, or is the mother of issue by such marriage.

(2) The term "child" means—

(A) an unmarried child under eighteen years of age, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the teacher in a regular parent-child relationship;

(B) such unmarried child regardless of age who is incapable of self-support because of mental or physical disability incurred before age eighteen; or

(C) such unmarried child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study

or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.

For the purpose of this paragraph and paragraph (2) of subsection (b) of this section, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is deemed to have become twenty-two years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than five months and if he shows to the satisfaction of the Commissioner of the District of Columbia that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately after the interim.

(3) The term "dependent parents" means the natural parents of a teacher who were receiving one-half or more of their total income from said teacher immediately preceding the death of said teacher.

(4) The term "dependent father" or "dependent mother" means the natural father or natural mother of a teacher who was receiving one-half or more of his or her total income from said teacher immediately preceding the death of said teacher.

(5) The term "widower" means the surviving husband of a teacher who was married to such teacher for at least two years immediately preceding her death or is the father of issue by such marriage. The term "dependent widower" means a "widower" who is incapable of self-support by reason of mental or physical disability, and who received more than one-half of his support from such teacher.

(6) Questions of dependency and disability arising under this section shall be determined by the Board of Education and its decisions with respect to such matters shall be final and conclusive and shall not be subject to review.

(Aug. 7, 1946, 60 Stat. 880, ch. 779, § 9; Mar. 6, 1952, 66 Stat. 19, ch. 95, § 8; June 4, 1957, 71 Stat. 47, Pub. L. 85-46, § 1; Oct. 24, 1962, 76 Stat. 1237, Pub. L. 87-881, title II, § 203 (b), (c), (d), (e); Sept. 2, 1964, 78 Stat. 886, Pub. L. 88-575, § 202; Dec. 29, 1967, Pub. L. 90-231, § 1(6), 81 Stat. 748.)

AMENDMENTS

1967—Section 1(6), Act Dec. 29, 1967, amended section as follows:

(1) In subsection (a) struck out "after having served in the public schools of the District of Columbia for a total period of not less than five years" and inserting in lieu "after completing five years of eligible service", also in subsection (a) by striking out "beginning at the age of sixty-two computed as provided in section 5 of this Act" [31-725] and inserting in lieu "computed as provided in section 5 of this Act, beginning at the age of sixty-two years and terminating on the date of his death."

(2) In subsection (b) (1) struck out the language relating to at least five years of service and inserted in lieu "after completing five years of eligible service" also by striking out in (b) (1) "first day of the month following the death of the teacher"; and inserting "day after the teacher dies" by striking out in (b) (1) the lan-

guage beginning with "teacher: Provided" to the end of the paragraph and inserting in lieu the new matter beginning with "teacher. Such etc." relating to termination and restoration of annuity including clauses (i) and (ii); by striking out par. (b) (2) and redesignating pars. (b) (3) as (b) (2) and (b) (4) as (b) (3); by striking out in (b) (2) as so redesignated the words "five years of service in the public schools of the District of Columbia" and inserting "five years of eligible service"; by striking out the third sentence in (b) (2) relating to the child's annuity; and inserted the new language relating to the child's annuity; by striking out in the first sentence of (b) (3) the language relating to at least five years of service and inserted in lieu "after completing five years of eligible service."

(3) Amended the 2d par. of sub. sec. (c) defining a child to read as above set out.

CROSS REFERENCE

For definitions of "Commissioners of the District of Columbia" or "Board of Commissioners of the District of Columbia", see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-724, 31-725, 31-730, 31-739a, 31-1603.

§ 31-730. Beneficiaries—Order of precedence for payment of lump-sum benefits—Payment of lump-sum credit—Definitions.

(a) Under regulations prescribed by the Commissioner of the District of Columbia, a present or former teacher may designate a beneficiary or beneficiaries for the purpose of this Act.

(b) Lump-sum benefits authorized by subsections (c), (d), and (e) of this section shall be paid in the following order of precedence, to the person or persons surviving the teacher and alive at the date title to the payment arises, and the payment bars recovery by any other person:

First, to the beneficiary or beneficiaries designated by the teacher in a signed and witnessed writing received by the Commissioner of the District of Columbia before his death.

Second, if there is no designated beneficiary, to the widow or widower of the teacher.

Third, if none of the above, to the child or children of the teacher and descendants of deceased children by representation.

Fourth, if none of the above, to the parents of the teacher or the survivor of them.

Fifth, if none of the above, to the duly appointed executor or administrator of the estate of the teacher.

Sixth, if none of the above, to such other next of kin of the teacher as the Commissioners of the District of Columbia determine to be entitled under the laws of the domicile of the teacher at the date of his death.

For the purpose of this subsection, the term "child" includes a natural child and an adopted child, but does not include a stepchild.

(c) If—

(1) a teacher dies—

(A) without a survivor, or

(B) with a survivor or survivors and the right of all survivors terminates before a claim for survivor annuity is filed; or

(2) a former teacher not retired dies, the lump sum credit shall be paid.

(d) If all annuity rights under this Act based on the service of a deceased teacher terminate be-

fore the total annuity paid equals the lump-sum credit, the difference shall be paid.

(e) If an annuitant dies, any annuity accrued and unpaid shall be paid.

(f) For purposes of this section, the term "lump-sum credit" means the unrefunded amount consisting of—

(1) retirement deductions made under this Act from the salary of a teacher;

(2) amounts deposited into the teachers' retirement and annuity fund by a teacher covering earlier service; and

(3) interest on the deductions and deposits made with respect to service which aggregates more than one year but excluding interest for the fractional part of a month in the total service. (Aug. 7, 1946, 60 Stat. 880, ch. 779, § 10; Mar. 6, 1952, 66 Stat. 21, ch. 95, § 9; Dec. 29, 1967, Pub. L. 90-231, § 1(7), 81 Stat. 750.)

REFERENCE IN TEXT

"This Act" referred to in text is set out as sections 31-721 to 31-725, 31-726 to 31-739c.

AMENDMENT

1967—Section 1(7), Act Dec. 29, 1967, amended section to read as above set out.

CROSS REFERENCE

For definitions of "Commissioners of the District of Columbia" or "Board of Commissioners of the District of Columbia", see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-721, 31-725, 31-1603.

§§ 31-731, 31-732.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 31-1603.

§ 31-733. Definitions.

The term "teacher," under this subchapter, shall include all teachers permanently employed by the Board of Education in the public day schools of the District of Columbia, including other educational employees whose salaries are established in the District of Columbia Teachers' Salary Act of 1945, as amended, except the employees of the Department of School Attendance and Work Permits; whenever the pronoun "his" occurs in this subchapter it shall be construed to mean both male and female; and the term "annual salary" shall be construed to mean the total annual income received during the fiscal year for service rendered in the public day schools (not including summer schools) of the District of Columbia, including basic salary, automatic increases, and longevity allowances, provided for in the District of Columbia Teachers' Salary Act of 1945, as amended, and all wartime additional compensation or bonus, and this definition of "annual salary" shall not be construed to affect any deductions which have been made prior to the effective date of this subchapter from any teacher's "annual salary" as defined in subchapter I of this chapter.

The term "average salary" shall mean the largest annual rate resulting from averaging, over any period of five consecutive years of eligible service in the public schools of the District of Columbia, a teacher's rates of annual salary in effect during such period, with each rate weighted by the time it was in effect.

For purposes of this Act, the term “eligible service” means service in the public schools of the District of Columbia under a temporary, probationary, or permanent appointment to a position, the rate of compensation of which is prescribed in the salary schedule contained in section 31-1501. (Aug. 7, 1946, 60 Stat. 881, ch. 779, § 13; June 4, 1957, 71 Stat. 48, Pub. L. 85-46, § 1; Dec. 29, 1967, Pub. L. 90-231, § 1(8), 81 Stat. 751.)

REFERENCE IN TEXT

“This Act” referred to in text is set out as sections 31-721 to 31-725, 31-726 to 31-739c.

AMENDMENT

1967—Section 1(8), Act Dec. 29, 1967, Pub. L. 90-231, amended section by striking out “creditable service” and inserting in lieu “eligible service” and by adding at the end the paragraph defining “eligible service”.

CROSS REFERENCE

For definitions of “Commissioners of the District of Columbia” or “Board of Commissioners of the District of Columbia”, see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-725, 31-1603.

§§ 31-734, 31-735.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 31-1603.

§ 31-736. Rules and regulations.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA, DEFINED

Section 31-379c provides in part: “Wherever the term ‘Commissioners of the District of Columbia’ is used in sections 31-721 and 31-736, as amended, such term shall be deemed to mean the District of Columbia Council”.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(240) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with regard to making rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

CROSS REFERENCE

For definitions of “Commissioners of the District of Columbia” or “Board of Commissioners of the District of Columbia”, see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1603.

§§ 31-737, 31-738.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 31-1603.

§ 31-739. Prior retirements—Salary basis—Straight life annuity.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-738, 31-1542, 31-1603.

§ 31-739a. Adjustment of annuities on basis of price index—Computation—Definitions.

(a) Effective December 1, 1965, each annuity payable from the fund which has a commencing date not later than January 1, 1966, shall be increased by (1) the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, determined by the Board of Commissioners of the District of Columbia on the basis of the annual average price index for calendar year 1962 and the price index for the month of July 1965 plus (2) 6½

per centum if the commencing date (or in the case of a survivor of a deceased annuitant the commencing date of the annuity of the retired employee) occurred on or before October 1, 1956, or 1½ per centum if the commencing date (or in the case of the survivor of a deceased annuitant the commencing date of the annuity of the retired employee) occurred after October 1, 1956. The month used in determining the increase based on the per centum rise in the price index under this subsection shall be the base month for determining the per centum change in the price index until the next succeeding increase occurs.

* * * * *

(As amended Dec. 29, 1967, Pub. L. 90-231, § 1(9), 81 Stat. 751.)

AMENDMENT

1967—Section 1(9), Act Dec. 29, 1967, Pub. L. 90-231, amended the first sentence by striking out “December 30, 1965” and inserting in lieu “January 1, 1966”.

CROSS REFERENCE

For definitions of “Commissioners of the District of Columbia” or “Board of Commissioners of the District of Columbia”, see section 31-739c.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-722, 31-1603.

§ 31-739b. Omitted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1603.

§ 31-739c. Commissioners of the District of Columbia and Board of Commissioners of the District of Columbia, defined.

Wherever the term “Commissioners of the District of Columbia” is used in sections 31-721 and 31-736, as amended, such term shall be deemed to mean the District of Columbia Council. Wherever the term “Board of Commissioners of the District of Columbia”, or “Commissioners of the District of Columbia” is otherwise used in this Act, as amended or supplemented, such term shall be deemed to mean the Commissioner of the District of Columbia. (Aug. 7, 1946, ch. 779, § 22, as added Dec. 29, 1967, Pub. L. 90-231, § 1(10), 81 Stat. 751.)

REFERENCE IN TEXT

“This Act” referred to in text is set out as sections 31-721 to 31-725, 31-726 to 31-739c.

§§ 31-741, 31-742.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 31-743, 31-744.

§ 31-743. Effective dates of annuities provided by sections 31-741 and 31-742—Computation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-744.

§ 31-744. Annuities under sections 31-741 to 31-743 to be paid from District of Columbia teachers retirement and annuity fund—Conditions under which annuities and increases terminate after July 1, 1960.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-743.

Chapter 8.—USE OF SCHOOL BUILDINGS

§ 31-801. Control by Board of Education of school buildings and grounds for purposes other than use as schools—Rules and regulations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-802.

Chapter 9.—MEDICAL AND DENTAL COLLEGES**§ 31-902. Application for registration and permit—Regulations—Inquiry as to equipment.****TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(241) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners under this section in the particulars described in par. 241, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 10.—GALLAUDET COLLEGE**SUBCHAPTER I.—CONTINUATION AND ADMINISTRATION****§ 31-1008. Admission of deaf-mutes from District—Not an institution of charity.****SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 31-1010, 31-1010a.

§ 31-1010a. Advance quarterly payments for certain students—Minimum rate per school year.**SIMILAR PROVISIONS**

Provisions similar to those of this section are contained in the following Department of Health, Education, and Welfare Appropriation Act:

1967—Nov. 8, 1967, Pub. L. 90-132, Title II, 81 Stat. 405.

§ 31-1025. Gallaudet College—Successor to Columbia Institution for the Deaf.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 31-1033.

§§ 31-1026 to 31-1030.**SECTIONS REFERRED TO IN OTHER SECTIONS**

These sections are referred to in sections 31-1025, 31-1033.

§ 31-1031. Financial transactions and accounts—Annual report to the Secretary of Health, Education, and Welfare.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 31-1025, 31-1030, 31-1033.

§ 31-1032. Appropriations.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 31-1025, 31-1033.

SUBCHAPTER II.—MODEL SECONDARY SCHOOL FOR THE DEAF**§ 31-1053. Agreement with Gallaudet College to establish model secondary school—Terms—Annual reports to Congress.****CODIFICATION**

The provisions of section 133z-15 of title 5 U.S. Code, referred to in this section, have been incorporated in revised title 5 section 913 of the U.S. Code.

Chapter 11.—MISCELLANEOUS**§ 31-1108. Title and jurisdiction over Reservation 277—F transferred for school purposes—Authority to close streets and alleys.****TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(242) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of

the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 31-1111. Placement of children in schools.**NOTES TO DECISIONS****Racial and economic discrimination**

In this action alleging racial and economic discrimination and other wrong doings in the operation of the public school system, the court ordered: 1. An injunction against racial and economic discrimination. 2. Abolition of the track system. 3. Abolition of the optional zones. 4. Transportation of voluntary children in overcrowded schools to underpopulated schools. 5. The defendants to file for court approval of a plan for pupil assignment eliminating racial and economic discrimination in the public school system. 6. Substantial integration of the faculty of each school beginning with the new school year. 7. The defendants to file for court approval, a teacher assignment plan fully integrating the faculty of each school. *J. W. Hobson etc. v. C. F. Hansen etc.* (1967, 269 F. Supp. 401).

Chapter 13.—EDUCATIONAL AGENCY FOR SURPLUS PROPERTY**§ 31-1302. Working capital fund provided—Rules and regulations of Agency.****TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(243) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 14.—PUBLIC SCHOOL FOOD SERVICES**§ 31-1401. Department of food services—Establishment—Direction and control by Board of Education—Program.****SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 31-1407.

§ 31-1402. Powers of the Board.**REFERENCES IN TEXT**

The reference in subsection (e) is obviously an error. The "fund" referred to in the subsection was created by section 5 of the act of Oct. 8, 1951, 65 Stat. 369, and is classified to section 31-1404.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1407.

§ 31-1403. Service credit for retirement—Deposits.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 31-1407.

§ 31-1404. Food services fund—Appropriation authorized—Revenues and receipts—To be permanent revolving fund—Expenditures.

This section is erroneously referred to in section 31-1402 of this title as section 31-659. See Reference in Text note under section 31-1402.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1407.

§§ 31-1405, 31-1406, 31-1408.**SECTIONS REFERRED TO IN OTHER SECTIONS**

These sections are referred to in section 31-1407.

§ 31-1409. Distribution of commodities.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 31-1410.

Chapter 15.—SALARIES OF TEACHERS, SCHOOL OFFICERS AND OTHER EMPLOYEES

CHAPTER REFERRED TO IN U.S. CODE

This chapter is referred to in title 5 sections 5102, 5541 of the U.S. Code.

SUBCHAPTER I.—SALARY SCHEDULES

§ 31-1501. Salaries of teachers, school officers and other employees—Service steps.

CODIFICATION

Act July 18, 1966, Pub. L. 89-504, was the Federal Employees Salary Act of 1966. Section 108 (b), (c) and (d) of that act related to increase in compensation by administrative action. Pub. L. 90-83, which incorporates certain provisions of the above act into the new title 5, U.S.C., repeals the provisions of section 108 (b), (c) and (d), as executed, without prejudice to existing rights.

SALARY RATES FIXED BY ADMINISTRATIVE ACTION

For provisions of section 211 (b), (c), (d) of Act, Dec. 16, 1967, Pub. L. 90-206, see note to section 4-823.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-634, 31-635, 31-1511, 31-1512, 31-1521, 31-1522, 31-1531 to 31-1534, 31-1536, 31-1542, 31-1548.

SECTION REFERRED TO IN U.S. CODE

This section is referred to in title 5 sections 8716, 8913 of the U.S. Code.

SUBCHAPTER III.—METHOD OF ASSIGNMENT OF EMPLOYEES TO SALARY SCHEDULES

§ 31-1521. Assignment of certain employees holding doctor's and master's degrees to salary classes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-1511, 31-1531, 31-1533.

§ 31-1522. Types of positions to which chapter applies—Authority of Board to determine which positions meet established criteria and other matters—Teacher-aide positions—Initial assignment of school principal positions and periodic evaluation of duties and responsibilities.

* * * *

(c) The Board of Education, with the concurrence of the Board of Commissioners of the District of Columbia, is authorized to establish a position which shall be designated "teacher-aide (noninstructional)". Such positions shall be classified, in accordance with sections 5102 and 5106 of title 5, United States Code, at a grade not higher than GS-4, and shall be compensated in accordance with the General Schedule in section 5333(a)¹ of title 5, United States Code. The minimum qualification for appointment to such position shall be successful completion of at least sixty semester hours at an accredited junior college, college, or university. A person appointed to such position shall be a noninstructional employee, and his primary duty shall be to assist the instructional staff in tasks related to instruction. The total of the number of teacher-aides (noninstructional) appointed under this Act and the number of persons appointed under any other Act to perform in the public school system of the District of Columbia the same duties as teacher-aides (noninstructional) shall at no time exceed 5 per centum of the number of classroom teachers in salary class 15.

* * * *

¹ So in original. The General Schedule is in 5 U.S.C. § 5332(a).

(As amended Nov. 13, 1966, Pub. L. 89-810, title II, § 202(4), 80 Stat. 1598.)

CODIFICATION

Subsection (c) of this section is set out in this supplement to supply language which was inadvertently omitted from the subsection as set out in the 1967 edition of the code.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(244) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners under subsection (b) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 or Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-1511, 31-1531.

SUBCHAPTER IV.—METHOD OF ADVANCEMENT AND PROMOTION OF EMPLOYEES

§ 31-1531. Method of assignment to service steps—Promotion of employees.

(a) (1) On January 1, 1963, each permanent employee assigned to salary classes 2 through 15 in accordance with section 31-1501 and section 31-1521 shall be assigned to the same numerical service step on the schedule for his salary class, or salary class and group, under this chapter as he occupied on December 31, 1962, except that employees assigned to salary class 15 on January 1, 1963, who on December 31, 1962, were on service step 13 shall be assigned to service steps for their respective groups as follows: An employee who on January 1, 1963, has completed fifteen years of creditable service but less than eighteen years shall be assigned to longevity step X, and an employee who on January 1, 1963, has completed eighteen years of creditable service shall be assigned to longevity step Y. In determining years of creditable service for placement on service steps, credit shall be given for previous service in accordance with the provisions of this chapter governing the placement of employees who are newly appointed, reappointed, or reassigned or who are brought under this chapter in accordance with the provisions of section 31-1522.

(2) Any teacher who was promoted from the salary class originally designated Salary Class 18 under this chapter (redesignated as Salary Class 15 by amendments effective on January 1, 1963 [act Oct. 24, 1962, Pub. L. 87-881]), if such promotion occurred after June 30, 1958, and prior to January 1, 1963, and who on the effective date of this paragraph occupies the same position to which he was promoted during such period shall be assigned to the numerical service step in his class, or class and group to which he would have been assigned had he been promoted on or after January 1, 1963.

(b) As soon as such reevaluation is completed for all employees involved, each such employee shall be assigned to the numerical service step for his salary class, or class and group, under this chapter next above the step corresponding to the number of his years of creditable service rendered prior to July 1, 1958, as determined by such re-evaluation, but no employee shall receive a salary above the top step for his class, or class and group, or below the step already occupied by him. If such re-evaluation places the employee on a higher numerical service step than

the one already occupied by him he shall receive the full annual salary at the higher step for the year beginning July 1, 1958. Beginning on July 1, 1959, each permanent employee who has not yet reached the highest service step for his salary class, or class and group, under this chapter shall advance one such step each year until he reaches the highest step for his class, or class and group, except that each employee in salary class 15 shall advance from service step 13 to longevity step X on July 1 following the completion of fifteen years of creditable service; from longevity step X to longevity step Y on July 1 following the completion of eighteen years of creditable service: *Provided*, That beginning with the step increase normally due July 1, 1963, the Board of Education, on the written recommendation of the Superintendent of Schools, is authorized to deny any such salary advancement for the year immediately following any year in which the employee fails to receive a performance rating of "satisfactory" from his superior officer.

(c) The Superintendent of Schools, salary class 1, shall be assigned as of the date of his appointment as Superintendent to the salary step provided for that position in section 31-1501.

(d) Any permanent employee serving in a position which is not covered by this chapter but which may later be established under section 31-1522 shall be given service credit for the purpose of salary placement under this chapter equivalent to the number of years of satisfactory service rendered within the school system in the position then occupied by the employee, and shall be assigned to the numerical service step on the schedule for his class, or class and group, under this chapter next above the numerical service step corresponding to his years of creditable service in such position. If the employee has already attained a service step in such position which is numerically as high or higher than the top service step provided for his salary class, or class and group, under this chapter, he shall be assigned to the highest service step provided for his class, or class and group, under this chapter. (Aug. 5, 1955, 69 Stat. 526, ch. 569, title IV, § 6; Aug. 28, 1958, 72 Stat. 1009, Pub. L. 85-838, § 1; Oct. 24, 1962, 76 Stat. 1233, Pub. L. 87-881, title I, § 101(5)(6); Sept. 2, 1964, 78 Stat. 885, Pub. L. 78-885, title II, § 201(2).)

AMENDMENTS

1964—Section 201(2) of act Sept. 2, 1964, amended section by designating subparagraph (a) as (a)(1), and by adding (a)(2) thereto.

1962—Section 101(5) of act Oct. 29, 1962, amended subsection (a) generally. Subsection (b) was amended, by section 101(6) of the same act, by striking the period at

the end thereof and inserting the matter following the word "group" beginning with word "except" to the end of the paragraph.

1958—Act Aug. 28, 1958, amended the section generally and designated the provisions as subsecs. (a)—(d).

EFFECTIVE DATE OF ACT, SEPT. 2, 1964, TITLE II

Section 205 of act, Sept. 2, 1964, provided: "The provisions of this title [amending sections 31-1501, 31-729, 31-1531, and 31-1542] shall take effect on the first day of the first pay period beginning on or after July 1, 1964."

EFFECTIVE DATE OF 1962 AMENDMENT

Section 103 of act Oct. 24, 1962, provided that: "Sections 101 [amending sections 31-1501, 31-1511, 31-1521, 31-1531, 31-1532, 31-1533, 31-1536, 31-1542, 31-1543, 31-1544 and 31-1545] and 102 [repealing section 31-1502] of this title shall take effect as of January 1, 1963."

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by act Aug. 28, 1958, effective Jan. 1, 1958, see section 4(a) of act Aug. 28, set out as a note under section 31-1501.

CODIFICATION

This section is set out in this supplement in its entirety for the purpose of adding subsections (c) and (d) thereto. Subsections (c) and (d) were inadvertently omitted from the section in the 1967 edition of the code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1533.

§ 31-1532. Assignment of new employees to service steps—Evaluation of past experience—Adjustment of salary steps of existing employees—Absence because of military or naval service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31-1533, 31-1534.

§ 31-1536. Promotions—Assignment to numerical service step.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1522.

Chapter 16.—PUBLIC HIGHER EDUCATIONAL INSTITUTIONS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 9-220.

SUBCHAPTER I.—FEDERAL CITY COLLEGE

§ 31-1603. Powers and duties of Board—Development of plans, establishment of College, and administration, generally.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1605.

§ 31-1623. Powers and duties of Board—Development of plans, establishment of Institute, and administration, generally.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31-1625.

TITLE 32.—ELEEMOSYNARY, CURATIVE, CORRECTIONAL, AND PENAL INSTITUTIONS

Chapter 2.—WASHINGTON HUMANE SOCIETY

§§ 32-201 to 32-204.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 32-207, 32-211.

§ 32-205. Police to arrest law violators at request of member of society—Evidence of membership.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 22-804, 22-809, 32-207, 32-211.

§§ 32-206, 32-207.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 32-207, 32-211.

Chapter 3.—HOSPITALS AND ASYLUMS—GENERAL PROVISIONS

§§ 32-301, 32-302.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 32-302, 32-303, 32-305.

§ 32-303. Penalties for violation of sections 32-301, 32-302 or regulations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32-302, 32-305.

§ 32-304. Commissioners of the District of Columbia to make regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(245) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32-302, 32-305.

§ 32-305. Prosecutions in municipal court.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-302.

§ 32-306. Smallpox hospital—Regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(246) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 32-308. Admission of pay patients to psychopathic ward of Gallinger Hospital.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(247) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 32-309. Admission of pay patients to contagious-disease ward of Gallinger Hospital.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(248) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 32-310. Admission of pay patients to Tuberculosis Hospital.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(249) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 32-313. Admission of pay patients to Children's Tuberculosis Sanatorium.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(250) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 32-322. Availability of appropriations to furnish medical services to non-indigent persons.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(251) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 32-323. Conveyance of property to Columbia Hospital.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32-324, 32-325.

§ 32-324. Restriction on use of property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-323.

§ 32-326. Standards of indigency—Emergency patients.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(252) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the extent provided in par. 252, to the District of

Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 4.—SAINT ELIZABETHS HOSPITAL

§ 32-408. Authorization to accept gifts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32-409 to 32-411.

§ 32-409. Same—Custody and investment of gifts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-411.

§ 32-410. Same—Gifts of intangible personal property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-409.

§ 32-411. Same—Gifts of real property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32-409, 32-410.

§§ 32-412 to 32-414.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 32-415, 32-416.

§ 32-415. Regulations—Approval of Secretary of Health, Education, and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-416.

§ 32-416. Regulations relating to Board of Public Welfare—District of Columbia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-415.

Chapter 6.—DISTRICT TRAINING SCHOOL

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 21-1102.

§ 32-601. Authority to acquire site, erect buildings for home and school—Title to land—Property under jurisdiction of Commissioners of the District of Columbia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21-1101, 32-602.

§ 32-602. Control and supervision—Board of Public Welfare—Name.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21-1101.

§ 32-604. Rules and regulations to be prescribed—Annual reports—Inventory.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(253) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 7.—HOME CARE FOR DEPENDENT CHILDREN

§ 32-783. Appointment of supervisory committee by Commissioners—Composition and tenure—Chairman—Promulgation of rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(254) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-790.

§ 32-784. Application for license—Form—Investigation by Board—Provisional license—Term and renewal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-782.

§ 32-786. Agency vested with parental rights—Consent to adoption—Adoption petition—Parents' relinquishment of rights—Recordation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1161, 16-304, 30-306.

Chapter 8.—NATIONAL TRAINING SCHOOL FOR BOYS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 32-907.

§ 32-801. Name.

CROSS REFERENCE

Federal Youth Corrections Act, applicability to the District, see 18 U.S.C. 5024, 5025.

§ 32-808. Superintendent and other employees—Appointment—Compensation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-811.

§ 32-821. Board of Trustees authorized to parole—Attorney General.

SECTIONS REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-820.

Chapter 9.—NATIONAL TRAINING SCHOOL FOR GIRLS

HISTORICAL NOTE

The act of July 31, 1953, Pub. L. 173, 67 Stat. 286, gave authorization for the National Training School for Girls to be known as the Industrial Home for Colored Girls. The same act authorized the construction of a new Industrial Home School for Colored Children near Laurel, Maryland. The act of July 1, 1954, Pub. L. 468, 68 Stat. 385, authorized the Industrial Home School for Colored Girls to be combined with and become a part of the Industrial Home School for Colored Children and finally the act of September 4, 1957, Pub. L. 85-285, authorized the disposition of "so much of the land of the United States reserved for a site for the National Training School for Girls by the act of July 14, 1892 (27 Stat. 165)." The compilers are informed that the present institution is located at Laurel, Maryland, and is known as the D.C. Children's Center.

§ 32-904. By-laws, rules, and regulations—Release of girls.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402 (255) of Reorg. Plan No. 3, of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 32-908. Girls committed—Commitment by court or judge.

REFERENCES IN TEXT

The reference in this section to "section 11-909 and 11-910", which had reference to such sections as set out in the 1961 edition of the official D.C. Code, may be a typographical error, as § 11-909 thereof related to summons, notice, and custody of a child pursuant to the initiation of proceedings in the Juvenile Court, and § 11-910 thereof related to service of such summons. Therefore, they do not appear to be relevant with respect to the exception clause in which they are cited in this section.

In the official D.C. Code of 1929, in which this section was set out as § 218 of Title 8, the reference in the exception clause was to §§ 258 and 259 of Title 18 of that Code, which sections represented classifications of §§ 8 and 9, respectively, of the Juvenile Court Act of 1906. Section 8 of that Act (D.C. Code 1929, Title 18, § 258) prescribed the jurisdiction of the Juvenile Court of the District of Columbia, and § 9 thereof (D.C. Code 1929, Title 18, § 259) contained definitions, including the definition of "delinquent" children. After the general amendment of the Juvenile Court Act of 1906 by the Act of June 1, 1938, ch. 309, 52 Stat. 596, the said jurisdictional and definitive provisions of §§ 8 and 9 of the 1906 Act, were covered, with substantial changes, by §§ 5 and 6 thereof, which, in the 1940, 1951 and 1961 editions of the Code, were classified to §§ 11-906 and 11-907; and said §§ 8 and 9 of the 1906 Act, as so amended, then relating to summons, etc., as mentioned above, were classified in those Codes to said §§ 11-909 and 11-910.

All of the sections mentioned above were repealed in the revision and reenactment of Part II of the D.C. Code by Act Dec. 23, 1963, Pub. L. 88-241, 77 Stat. 478, eff. Jan. 1, 1964. Sections 11-906 and 11-907, containing, respectively, definitions and the jurisdictional provisions, are now covered by §§ 11-1551, 11-1553, 11-1554, 11-1556, 11-1557, 11-1583 and 16-2301; and §§ 11-909 and 11-910

(which, as stated above, appear to be irrelevant with respect to the exception clause in this section in which they are cited) are now covered by §§ 16-2303 and 16-2304.

Chapter 10.—MISCELLANEOUS

§ 32-1003. Appropriations for charitable and reformatory institutions to be lien on property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32-325.

§ 32-1009. Sale of products of Home for Aged and Infirm.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402 (256) of Reorg. Plan 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 32-1010. Admission of pay patients to Home for Aged and Infirm.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402 (257) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 33.—FOOD AND DRUGS

Chapter 1.—ADULTERATION

§ 33-104. Rules and regulations for collecting and examining drugs and food—Director of public health.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402 (258) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to the preparation of rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 33-111. Special services for detection of adulteration.

CONTINUATION OF 1960 ACT

Section 15 of the District of Columbia Appropriations Act of Nov. 13, 1967, Pub. L. 90-134, 81 Stat. 441, provided in part:

"Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be continued for the fiscal year 1968."

Chapter 3.—MILK, CREAM, AND ICE CREAM

§ 33-301. Production, transportation, and sales—Restriction.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-307, 33-312, 33-313, 33-315 to 33-319.

§ 33-302. Dairy requirements—Permit—Application details—Certificate of soundness of cattle—"Person" defined—Application for permit to be acted upon within 30 days if practicable.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-315 to 33-319.

§ 33-303. Suspension of permit—Statement of reasons—Notice.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302, 33-304 to 33-307, 33-312, 33-313, 33-315 to 33-319.

§ 33-304. Interstate shipments of milk or cream into District for ice cream permitted if conforming to State law requirements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302, 33-303, 33-305 to 33-307, 33-312, 33-313, 33-315 to 33-319.

§ 33-305. Permit revocable for refusal to permit inspections.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-304, 33-306, 33-307, 33-312, 33-313, 33-315 to 33-319.

§ 33-306. Milk, cream, and ice cream to be seized if brought to District illegally—Owner to be notified of seizure—Destruction.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-305, 33-307, 33-312, 33-313, 33-315 to 33-319.

§ 33-307. Rules and regulations to protect supply—Publication.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(259) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-306, 33-312, 33-313, 33-315 to 33-319.

§§ 33-308 to 33-311.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 33-302 to 33-307, 33-312, 33-313, 33-315 to 33-319.

§ 33-312. Permit holder to report communicable disease in himself, family, or dairy employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-307, 33-313, 33-315 to 33-319.

§ 33-313. Definitions and standards of different classes of milk, cream, and ice cream—Health tests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-307, 33-312, 33-315 to 33-319.

§ 33-314. Milk, cream, or ice cream not to be sold or offered for sale that does not comply with requirements—All containers of milk or cream shall have grade plainly printed thereon.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-307, 33-312, 33-313, 33-315 to 33-319.

§ 33-315. Pasteurization to be done under regulations of director of public health.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(260) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to prescribing regulations under which milk and cream shall be pasteurized, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-307, 33-312, 33-313, 33-316 to 33-319.

§ 33-316. Penalty for interfering with director of public health.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-307, 33-312, 33-313, 33-315, 33-317 to 33-319.

§ 33-317. Names of shippers to be posted in receiving station—Record of shipments kept—Reports to director of public health.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(261) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-307, 33-312, 33-313, 33-315, 33-316, 33-318, 33-319.

§ 33-318. Milk and cream to be received only from licensed shippers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-307, 33-312, 33-313, 33-315 to 33-317, 33-319.

§ 33-319. Penalties—Prosecution.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-302 to 33-307, 33-312, 33-313, 33-315 to 33-317, 33-318.

Chapter 4.—NARCOTIC DRUGS

§ 33-401. Definitions.

REFERENCES IN TEXT

The section of the Internal Revenue Code of 1954, referred to in text is classified to 26 U.S.C. 4731.

§ 33-402. Acts declared unlawful.

NOTES TO DECISIONS

Acquittal on appeal

Court of Appeals, on reversing convictions for narcotic vagrancy, maintaining common nuisance, and possession of narcotics, for failure of evidence to show that defendants had in their possession more than trace of heroin, would not remand for new trial, where there was no showing that government had additional proof that actual amounts involved were more than mere traces that were actually usable or saleable as narcotics. *L. Marshall and K. Watkins v. United States* (D.C. App. 1967, 229 A. 2d 449).

Concurrent sentences

Where defendants received concurrent sentences in prosecution for possession of narcotics, possession of implements of crime, unlawful entry and narcotics vagrancy and evidence was sufficient to support conviction of possession of narcotics and possession of implements of crime, District of Columbia Court of Appeals would not pass upon sufficiency of evidence to support other convictions. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Custodial interrogation

Questions addressed to three defendants by arresting officers seeking an explanation for defendants' being in condemned house were noncoercive and not "custodial interrogation" within rule of *Miranda v. State of Arizona*. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Duty to arrest

When police detectives saw narcotics paraphernalia in possession of defendants, officers were under statutory duty to arrest offenders immediately. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Evidence—Admissibility of

Where defendants' arrest for narcotics violations was legal, narcotics paraphernalia seized at time of the arrest was properly admitted in defendants' joint trial for narcotics violations. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Redirect examination

In prosecution for violations of federal narcotics laws, where on cross-examination of government's expert chemist, the defense elicited the fact that heroin is actually a morphine derivative, and that morphine can be legally imported into the United States, permitting witness on redirect to testify that in his opinion the narcotics involved were produced outside the United States was not improper on grounds that question was beyond qualifications of witness, since defense counsel's initial voyage into area of drug's source permitted full exploration by the government. *R. E. Green v. United States* (1967, 383 F. 2d 199, — U.S. App. D.C.—).

Seizure of "means and instrumentality"

Narcotics paraphernalia is not the fruit of a crime, a weapon, or property the mere possession of which constitutes a crime; it is, however, the "means and instrumentality" by which narcotics may be illegally used, so that it is within exception permitting lawful seizure of certain articles even though not described in search warrant. *R. M. Edelin v. United States* (D.C. App. 1967, 227 A. 2d 395).

Hypodermic needle, syringe, bent spoon usable as a narcotics "cooker" and tissue paper, all wrapped in a stocking and found under pillow on bed, were an apparent narcotics user's "kit" and were the "means and instrumentality" by which narcotics might be illegally used, so that seizure of such paraphernalia under warrant authorizing seizure of check writing machine and undetermined number of blank checks was valid under exception permitting instrumentalities and means by which a crime is committed to be seized even though not described in search warrant, and such evidence was not subject to suppression in narcotics prosecution. *Id.*

Sufficiency of evidence

Absence of any proof that defendants had in their possession more than trace of heroin or that such trace could be used or dispensed as narcotic required reversal of convictions for narcotic vagrancy, maintaining common nuisance, and possession of narcotics. *L. Marshall and K. Watkins v. United States* (D.C. App. 1967, 229 A. 2d 449).

Where there is only trace of substance, a chemical constituent not quantitatively determined because of minuteness, and there is no additional proof of its usability as narcotic, there can be no conviction under statute making it illegal for person to maintain place resorted to by drug addicts for purpose of using narcotic drugs or used for illegal keeping or sale of same. *Id.*

Sufficiency of evidence of possession

Where there is only a trace of substance, a chemical constituent not quantitatively determined because of minuteness, and there is no additional proof of its usability as a narcotic, there can be no conviction for unlawful possession of a narcotic. *R. M. Edlin v. United States* (D.C. App. 1967, 227 A. 2d 395).

Evidence that microscopic chemical analysis of narcotics paraphernalia disclosed traces of heroin was insufficient, in absence of any additional proof as to usability of traces as a narcotic, to show illegal possession of a narcotic drug. *Id.*

§ 33-403. Manufacturers and wholesalers—License required.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33-404.

§ 33-405. Use of official written orders.

REFERENCES IN TEXT

Section 4702 of the Internal Revenue Code of 1954, referred to in text is classified to 26 U.S.C. 4702.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(262) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33-410.

§ 33-406. Sale on written orders—Vendees—"Lawful possession" defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-407, 33-410, 33-413.

§ 33-408. Sales by apothecaries.

REFERENCES IN TEXT

Section 4705(c)(2) of the Internal Revenue Code of 1954, referred to in text is classified to 26 U.S.C. 4705.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33-410.

§ 33-409. Professional use of narcotic drugs—Return of unused drugs.

REFERENCES IN TEXT

Section 4705(c)(2) of the Internal Revenue Code of 1954, referred in text is classified to 26 U.S.C. 4705.

§ 33-410. Preparations exempted—Conditions—Paregoric.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-411, 33-420.

§ 33-416a. Vagrancy—Narcotic drug user—Penalties—Conditions imposed.

NOTES TO DECISIONS

Acquittal on appeal

Court of Appeals, on reversing convictions for narcotic vagrancy, maintaining common nuisance, and possession of narcotics, for failure of evidence to show that defendants had in their possession more than trace of heroin, would not remand for new trial, where there was no showing that government had additional proof that actual amounts involved were more than mere traces that were actually usable or saleable as narcotics. *L. Marshall and K. Watkins v. United States* (D.C. App. 1967, 229 A. 2d 449).

Concurrent sentences

Where defendants received concurrent sentences in prosecution for possession of narcotics, possession of implements of crime, unlawful entry and narcotics vagrancy and evidence was sufficient to support conviction of possession of narcotics and possession of implements of crime, District of Columbia Court of Appeals would not pass upon sufficiency of evidence to support other convictions. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Constitutionality

Since under the Narcotics Vagrancy and General Vagrancy Statutes anyone using street for a lawful business in a lawful manner may do so without restriction, statutes are not an unreasonable restriction on freedom of movement in violation of due process clause of Fifth Amendment. *H. M. Ricks and J. N. Williams v. United States*; *H. M. Ricks v. District of Columbia* (D.C. App. 1967, 228 A. 2d 316).

Convictions for violation of Narcotics Vagrancy and General Vagrancy Statutes were not invalid on ground that defendants were being punished solely for their status as vagrants. *Id.*

Convictions of defendants for violation of Narcotics Vagrancy and General Vagrancy Statutes on proof showing defendants' associations with known narcotics users and prostitutes did not violate Eighth Amendment's prohibition against cruel and unusual punishment despite claim that there was an absence of any overt criminal act. *Id.*

Construction

When an individual is unable to give a good account to police when wandering at late and unusual hours and is associated with criminals or narcotics addicts and is not lawfully employed, these factors, together with others enumerated in statutes, constitute probable cause for arrest for vagrancy. *H. M. Ricks and J. N. Williams v. United States*; *H. M. Ricks v. District of Columbia* (D.C. App. 1967, 228 A. 2d 316).

Vagrancy statutes were not invalid on ground that they were "catch-alls" used when other crimes could not be proven or that they allegedly required a lesser quantum of proof to convict. *Id.*

Word "loitering" as used in Narcotics Vagrancy and General Vagrancy Statutes was not unconstitutionally vague, particularly where additional conditions were necessary to constitute offense. *Id.*

Reference to "failure to give a good account" as used in Narcotics Vagrancy and General Vagrancy Statutes re-

stricts rather than enlarges application of statutes and allows suspected vagrant to dissipate probable cause by satisfactorily explaining his conduct, and the arresting officer is not the only one who must evaluate account given by person questioned. *Id.*

Narcotics Vagrancy and General Vagrancy Statutes delineate with specificity what vagrancy is, and the definitions are neither numerous nor susceptible to widely divergent interpretations. *Id.*

Custodial interrogation

Questions addressed to three defendants by arresting officers seeking an explanation for defendants' being in condemned house were noncoercive and not "custodial interrogation" within rule of *Miranda v. State of Arizona*. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Duty to arrest

When police detectives saw narcotics paraphernalia in possession of defendants, officers were under statutory duty to arrest the offenders immediately. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

Elements of offense

Presence of narcotics is not essential element of common nuisance offense when addicts are shown to frequent premises for purpose of using narcotics, but there can be no conviction for maintaining place used for illegal keeping or sale of narcotics without also showing that such drugs were or had been kept on premises. *L. Marshall and K. Watkins v. United States* (D.C. App. 1967, 229 A. 2d 449).

Evidence—admissibility

Where defendants' arrest for narcotics violations was legal, narcotics paraphernalia seized at time of the arrest was properly admitted in defendants' joint trial for narcotics violations. *S. Keith, R. L. Payne and T. J. Walker v. United States* (D.C. App. 1967, 232 A. 2d 92).

— Sufficiency

Evidence was insufficient to support conviction for violation of Narcotics Vagrancy Statute. *N. Baker v. United States* (D.C. App. 1967, 228 A. 2d 323).

Government's burden of proof

To prove violation of statute making it illegal for any person to keep or maintain any place resorted to by drug addicts for purpose of using narcotic drugs or used for illegal keeping or sale of same, government must show either that addicts resort to such premises for use of narcotics or that premises are maintained or used for illegal sale, use or possession of narcotics. *L. Marshall and K. Watkins v. United States* (D.C. App. 1967, 229 A. 2d 449).

In absence of proof of contemporaneous use, conviction for narcotic vagrancy necessitates additional showing of presence of quantity of narcotics sufficient to be used or dispensed, not mere immeasurable trace. *Id.*

Prior convictions

One can be found guilty of violating either Narcotics Vagrancy Statute or the General Vagrancy Statute without having been previously convicted. *H. M. Ricks and J. N. Williams v. United States*; *H. M. Ricks v. District of Columbia* (D.C. App. 1967, 228 A. 2d 316).

Both the Narcotics Vagrancy Statute and General Vagrancy Statute employ separate paragraphs which disjunctively set up criteria amounting to vagrancy and both require factors, other than prior convictions, which conjunctively amount to violation, so that prior convictions are not essential to all subsections of the statutes. *Id.*

Prior convictions of accused are admissible in prosecution for violation of vagrancy statutes. *Id.*

Narcotics Vagrancy and General Vagrancy Statutes do not improperly require presentation and proof of prior convictions, and do not deny due process and fair trial. *Id.*

Purpose of statute

A course of conduct rather than an overt act is prohibited by the Narcotics Vagrancy and General Vagrancy

Statutes. *H. M. Ricks and J. N. Williams v. United States; H. M. Ricks v. District of Columbia* (D.C. App. 1967, 228 A. 2d 316).

Purpose of Narcotics Vagrancy and General Vagrancy Statutes is to prevent crimes which may likely flow from the vagrant's mode of life. *Id.*

Sufficiency of evidence

Absence of any proof that defendants had in their possession more than trace of heroin or that such trace could be used or dispensed as narcotic required reversal of convictions for narcotic vagrancy, maintaining common nuisance, and possession of narcotics. *L. Marshall and K. Watkins v. United States* (D.C. App. 1967, 229 A. 2d 449).

Where there is only trace of substance, a chemical constituent not quantitatively determined because of minuteness, and there is no additional proof of its usability as narcotics, there can be no conviction under statute making it illegal for person to maintain place resorted to by drug addicts for purpose of using narcotic drugs or used for illegal keeping or sale of same. *Id.*

§ 33-417. Forfeiture by unlawful possession—Disposition.

REFERENCES IN TEXT

Section 4733 of the Internal Revenue Code of 1954, referred to in text is classified to 26 U.S.C. 4733.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33-711.

§ 33-421. Prosecution—Burden of proof on defendant of any exception, excuse, proviso, exemption.

NOTES TO DECISIONS

Government's burden of proof

Part of government's prima facie case in prosecution for unlawful possession of narcotics is to prove that a substance in defendant's possession is proscribed as a narcotic drug under the statutory scheme of narcotics control. *R. M. Edelin v. United States* (D. C. App. 1967, 227 A. 2d 395).

Chapter 5.—MEATS AND MEAT PRODUCTS

§ 33-501. Horse meat and horse meat products—Labeling or marking—Notification to consumer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-502, 33-503.

§ 33-502. Same—Director of public health to make regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402 (263) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-501, 33-503.

§ 33-503. Same—Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-501, 33-502.

Chapter 7.—REGULATION AND CONTROL OF CERTAIN DRUGS OTHER THAN NARCOTICS

§ 33-701. Definitions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(264) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (1)(C) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 33-702. Prohibited acts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-704, 33-710.

NOTES TO DECISIONS

Amendment of information

Granting government's motion to amend information, after presentation of all evidence and after government had rested its case, to read "make or utter" rather than "make and utter" a forged prescription for purpose of obtaining dangerous drug did not change nature of offense or charge additional violation and constituted proper exercise of judicial discretion. *G. D. Bobrow v. United States* (D.C. App. 1967, 225 A. 2d 311).

§ 33-703. Drugs exempted.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(265 and 266) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (1) and (2) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33-702.

§ 33-704. Exemption of persons.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-701, 33-702, 33-705.

§ 33-705. Records.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33-702, 33-706.

§ 33-706. Inspection.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33-702.

§ 33-707. Regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(267) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 34.—HOTELS AND LODGING-HOUSES

Chapter 1.—RIGHTS AND LIABILITIES

§ 34-101. Hotel proprietors and innkeepers furnishing safe and giving notice not liable for injury to guests' property—When value exceeds \$500—Liability for certain retained property.

NOTES TO DECISIONS

"Guest" defined

Hotel patron who had stated to hotel desk clerk in the morning that she was checking out but would leave her belongings in the room until 3:00 P.M. until check-out time and was told that this was permissible and who discovered at about 2:30 P.M. that her fur coat was

missing from the room was a "guest" of the hotel at the time of the loss, and the common-law doctrine of *infra hospitium* was applicable. *Hotel Corporation of America v. The Travelers Indemnity Company* (D.C. App. 1967, 229 A. 2d 158).

§ 34-103. Lien of boarding-house and innkeepers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 34-104.

§ 34-105. Enforcement of lien by bill in equity.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 38-209.

TITLE 35.—INSURANCE

Chapter 1.—INSURANCE DEPARTMENT— GENERAL PROVISIONS

§ 35-101. Department of Insurance created—Superintendent of Insurance—Subject to supervision of Commissioners.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-902, 35-1202.

§ 35-102. Duties of Superintendent—Copy of charters to be filed—Foreign companies to file power of attorney—Service of process—Superintendent to make rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA
COUNCIL

Section 402(268) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-201, 35-1202.

§ 35-103. Annual statements—Statement to be published in newspaper.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-105, 35-1202.

§§ 35-104 to 35-108.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 35-1202.

Chapter 2.—PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF INSURANCE

SUBCHAPTER I.—GENERAL PROVISIONS

§ 35-201. Life and fire insurance companies to maintain reinsurance reserves—Suspension of license upon impairment of capital stock—Penalty for acting for unlicensed company—Superintendent may make examination to determine impairment in capital, or insolvency.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1201, 35-1202.

§ 35-202. Health, accident, and life insurance companies defined—Assets and capital stock required—Amount of policies—Taxation—Reports to Superintendent of Insurance—Examination by Superintendent of Insurance—Appeal to Commissioners—Fraternal beneficial and certain other organizations exempt.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA
COUNCIL

Section 402(269) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to prescribing rules and regulations for the hearing of appeals, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1103, 35-1202.

§ 35-203. Copy of application to be delivered with policy—Statements in application as defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1002, 35-1202.

§ 35-204. Principal office to be in District of Columbia—Keeping and removing of records—Reincorporation of companies chartered by special acts—Penalties—Prosecutions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1202.

§ 35-205. Compensation insurance regulations—Facts to be filed with Superintendent of Insurance—Approval required—Withdrawal of approval—Petition for review—Time for filing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1202, 35-1611.

SUBCHAPTER II.—DOMESTIC STOCK INSURANCE COMPANIES

§ 35-222. Rules and regulations—Revocation or suspension of certificate—Notice and hearing—Penalties—Exemption of certain companies.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA
COUNCIL

Section 402(418) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) with respect to promulgating rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 35-223. Registration requirements of beneficial owners, directors, etc.—Sales restriction—Definition—Exemption—Rules and regulations—Penalty—Effective date of section.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA
COUNCIL

Section 402(419 to 421) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars described in Pars. 419 to 421, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 3.—LIFE INSURANCE—DEFINITIONS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 35-301, 35-302, 35-405, 35-412, 35-415 to 35-418, 35-426, 35-428, 35-431, 35-503, 35-508, 35-511, 35-513, 35-518 to 35-523, 35-528, 35-529, 35-534, 35-540, 35-601, 35-602, 35-709, 35-719, 35-801 to 35-803.

Chapter 4.—DEPARTMENT OF INSURANCE WITH RESPECT TO LIFE COMPANIES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 35-301, 35-302, 35-405, 35-412, 35-415 to 35-417, 35-426, 35-428, 35-431,

35-503, 35-508, 35-511, 35-513, 35-518 to 35-523, 35-528, 35-529, 35-534, 35-540, 35-601, 35-602, 35-709, 35-719, 35-801 to 35-803.

§ 35-407. Annual statement—Verification—Failure to make.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(270) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to publication in a daily newspaper, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-419, 35-541.

§ 35-409. Deceptive statements prohibited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-410.

§ 35-416. Custody of general deposits—Collection of income—Substitution of securities—Required securities.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-415.

§ 35-419. Superintendent may take possession of property of company and conduct its business—Conditions precedent — Procedure — Injunction — Resumption of possession by company—Order for liquidation—Appointment of deputies—Expense of liquidation—Bond—Annual report.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(271) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making and prescribing rules and regulations, as provided in the penultimate par. of the section, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 35-425. General agent, agent, solicitor—License required—Application—Contents—Applicant vouched for by company—Placement of excess or rejected risks—Expiration and renewal of license—Officers and traveling salaried employees excepted—Notice of termination of employment—Information privileged.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(272) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars specified in par. 272, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1336, 47-1591.

§ 35-426. Suspension or revocation of license—Grounds for—Hearing—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1611.

§ 35-427. Appeal from rulings of superintendent — Procedure — Costs and supersedeas bond — Liability of superintendent.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-712 to 35-714, 35-426, 35-428.

§ 35-428. Brokers—License—Application—Contents—Person vouched for—Examination—Issuance—Effect of revocation—Appeal from refusal to issue—Renewal annually—Penalty for violation.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(273) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars specified in par. 273, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 5.—DOMESTIC LIFE COMPANIES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 35-301, 35-302, 35-405, 35-412, 35-415, 35-417, 35-426, 35-428, 35-431, 35-503, 35-508, 35-511, 35-513, 35-518 to 35-523, 35-528, 35-529, 35-534, 35-540, 35-601, 35-602, 35-709, 35-719, 35-801 to 35-803.

§ 35-519. Conversion of a stock life company into a mutual life company—Plan for acquisition of capital stock—Conditions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(274) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to prescribing rules and regulations governing inspectors of elections, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 35-535. Investment of funds of domestic companies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-510, 35-541.

§ 35-540. Unlawful acquisition by company of its own capital stock.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-535.

§ 35-541. Variable contracts—Separate accounts—Assets of accounts to equal obligations for variable payments—Issuance by foreign companies—Standards of qualification—Reports—Regulations—Investment limitations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(275) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (f) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 6.—FOREIGN AND ALIEN LIFE COMPANIES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 35-301, 35-302, 35-405, 35-412, 35-415, 35-417, 35-426, 35-428, 35-431, 35-503, 35-508, 35-511, 35-513, 35-518 to 35-523, 35-528, 35-529, 35-534, 35-540, 35-601, 35-602, 35-709, 35-719, 35-801 to 35-803.

Chapter 7.—PROVISIONS RELATING TO ALL LIFE INSURANCE COMPANIES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 35-301, 35-302, 35-405, 35-412, 35-415 to 35-417, 35-426, 35-428, 35-431,

35-503, 35-508, 35-511, 35-513, 35-518 to 35-523, 35-528, 35-529, 35-534, 35-540, 35-601, 35-602, 35-709, 35-719, 35-801 to 35-803.

§ 35-701. Superintendent to value policies — Legal standard of valuation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-519, 35-721.

§ 35-703. Standard provisions required in life insurance policies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-705a, 35-705c.

§ 35-705a. Nonforfeiture benefits and cash surrender values.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-703, 35-723.

§ 35-705b. Standard nonforfeiture law.

(e) Any cash surrender value and any paid-up nonforfeiture benefit, available under any such policy in the event of default in the payment of any premium due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (b), (c), and (d) may be calculated upon the assumption that any death benefit is payable at the end of the policy or contract year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (b), additional benefits payable (i) in the event of death or dismemberment by accident or accidental means, (ii) in the event of total and permanent disability, (iii) as reversionary annuity or deferred reversionary annuity benefits, (iv) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, (v) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one, and has not become paid up by reason of the death of a parent of the child, and (vi) as other policy benefits additional to life insurance and endowment benefits and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

(June 19, 1934, ch. 672, ch. V, § 5b, as added Feb. 19, 1948, 62 Stat. 30, ch. 66, § 4, and amended June 27, 1960, 74 Stat. 228, Pub. L. 86-530, § 2; Oct. 3, 1962, 76 Stat. 712, Pub. L. 87-738, § 2.)

CODIFICATION

Subsection (e) of this section is set out in this supplement to correct a typographical error in clause (v) thereof, as it appears in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-701, 35-703, 35-705a, 35-705c, 35-723.

§ 35-705c. Loan provisions in policies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-703.

§ 35-710. Group life insurance.

(1) * * *

* * * * *

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees. No policy may be issued which provides term insurance on any employee which together with any other term insurance under any group life-insurance policy or policies issued to the employers or any of them or to the trustees of a fund established in whole or in part by the employers or any of them exceeds \$20,000 unless 150 per centum of the annual compensation of a covered employee, exceeds \$20,000, in which event all such insurance shall not exceed \$40,000, or 150 per centum of such annual compensation, whichever is less.

* * * * *

(June 19, 1934, 48 Stat. 1164, ch. 672, ch. V, § 10; July 2, 1940, 54 Stat. 726, ch. 518; July 12, 1950, 64 Stat. 330, ch. 457, § 1; July 5, 1960, 74 Stat. 315, 316, Pub. L. 86-579, §§ 1-5; Sept. 14, 1961, 75 Stat. 519, Pub. L. 87-249, § 1; Oct. 23, 1962, 76 Stat. 1131, Pub. L. 87-855, §§ 1, 2; Sept. 20, 1966, 80 Stat. 821, Pub. L. 89-594, § 1.)

CODIFICATION

Paragraph (1)(d) of this section is set out in this supplement to correct a typographical error therein, as it appears in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-711, 35-1604.

§ 35-711. Standard provisions for policies of group life insurance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-710.

§ 35-712. Individual Accident and Sickness Policy Provisions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(276) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections 3(f) and the proviso in 8, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1332.

Chapter 8.—LIFE INSURANCE—PENALTIES—TESTIMONY—SEPARABILITY

SECTION REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 35-301, 35-302, 35-405, 35-412, 35-415, 35-417, 35-426, 35-428, 35-431, 35-503, 35-508, 35-511, 35-513, 35-518 to 35-523, 35-528, 35-529, 35-534, 35-540, 35-601, 35-602, 35-709, 35-719, 35-801 to 35-803.

Chapter 9.—FRATERNAL BENEFIT ASSOCIATIONS

§ 35-901. Definition — When disability payable — Reserves — To whom benefits payable — Exemption from general insurance laws.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-902, 35-903, 35-906 to 35-911, 35-913 to 35-917, 35-1202.

§ 35-902. Existing associations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901, 35-903, 35-906 to 35-909, 35-911, 35-913 to 35-917, 35-1202.

§ 35-903. Nonresident associations—Conditions precedent to doing business in District—Right of superintendent to examine.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901, 35-902, 35-906 to 35-909, 35-911, 35-913 to 35-917, 35-1202.

§§ 35-904, 35-905.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 35-202, 35-901 to 35-903, 35-906 to 35-909, 35-911, 35-913 to 35-917, 35-1202.

§ 35-906. Permit to do business from Superintendent of Insurance—Fee.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-907 to 35-909, 35-911, 35-913 to 35-917, 35-1202.

§ 35-907. Organization—Procedure—Certificate of declaration—Recording—Corporate powers—Trustees, directors, or managers—Election—Quorum.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906, 35-908, 35-909, 35-911, 35-913 to 35-917, 35-1202.

§ 35-908. Reincorporation of associations existing prior to January 1, 1902.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906, 35-907, 35-909, 35-911, 35-913 to 35-917, 35-1202.

§ 35-909. Incorporation of subordinate bodies—Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906 to 35-908, 35-911, 35-913 to 35-917, 35-1202.

§ 35-910. Contract invalid if beneficiary to pay assessments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906 to 35-909, 35-911, 35-913 to 35-917, 35-1202.

§ 35-911. Benefits exempt from attachment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906 to 35-909, 35-913 to 35-917, 35-1202.

§ 35-912. Meetings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906 to 35-909, 35-911, 35-913 to 35-917, 35-1202.

§ 35-913. Fraudulent representations—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906 to 35-909, 35-911, 35-914 to 35-917, 35-1202.

§ 35-914. Neglect to report—Effect—Injunction—Penalty for violating injunction.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906 to 35-909, 35-911, 35-913, 35-915 to 35-917, 35-1202.

§ 35-915. Acting without authority—Misdemeanor—"Transact business"—"Doing business" defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906 to 35-909, 35-911, 35-913, 35-914, 35-916, 35-917, 35-1202.

§ 35-916. Associations for profit.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906 to 35-909, 35-911, 35-913 to 35-915, 35-917, 35-1202.

§ 35-917. Associations or individuals using name of previously existing corporation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-202, 35-901 to 35-903, 35-906 to 35-909, 35-911, 35-913 to 35-916, 35-1202.

JUVENILE FRATERNAL ACT

§ 35-918. Fraternal benefit society may issue insurance and annuities upon lives of children—Branches for children.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-921.

§ 35-919. Contributions—How computed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-920, 35-921.

§ 35-920. Reserves.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-921.

SEPARATION OF INSURANCE AND FRATERNAL ACTIVITIES

§ 35-922. Separation of insurance and fraternal activities authorized.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-923, 35-924, 35-926, 35-927.

§ 35-923. Certificate to be filed With Superintendent of Insurance—Contents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-922, 35-924, 35-926, 35-927.

§ 35-924. Approval and certificate of Superintendent—Recordation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-922, 35-923, 35-926, 35-927.

§ 35-925. Division of activities and property—Directors of insurance activities—Number and selection—Policies as evidence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-922 to 35-924, 35-926, 35-927.

§ 35-926. Original corporation not dissolved—Subject to supervision as mutual legal reserve life insurance corporation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-922 to 35-924, 35-927.

§ 35-927. Contracts not impaired—Right of repeal and amendment reserved.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-922 to 35-924, 35-926.

§ 35-928. Insurance laws of States and District applicable.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-922 to 35-924, 35-926, 35-927.

Chapter 11.—MARINE INSURANCE

§ 35-1101. Conditions of policies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1102, 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1002. Validity of policy—Good faith of insured material element—Unsound health as defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128, 35-1129 to 35-1132, 47-1806.

§ 35-1103. Incontestability of policy.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101, 35-1102, 35-1104 to 35-1106, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1104. Assignment of policy.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1105. Beneficiary.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§§ 35-1106, 35-1107.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 35-1101, to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1108. Taxes—Underwriting profits—Computation of premiums earned on marine insurance contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1109 to 35-1111, 35-1114 to 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1109. Statement for taxation purposes—Computation of tax by Superintendent of Insurance—Statement of taxes to be mailed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1110 to 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1110. Taxation on earnings on reserves for unpaid loss and unexpired insurance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1112, 35-1114

to 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1111. Taxes on investment income from funds representing capital stock and surplus.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1112, 35-1114 to 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1112. Report to include all items necessary to enable Superintendent of Insurance to compute tax—Notification of amount of tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114 to 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1113. Taxation in lieu of license fees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114 to 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 35-1202, 47-1806.

§ 35-1114. Report upon cessation of marine insurance business—Taxes and license fees to be paid after such cessation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128, 35-1129 to 35-1132, 47-1806.

§ 35-1115. Penalty for failure to report or pay taxes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1116. Syndicate "B" exempt from taxes and fees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1117. Insurance companies not exempt from payment of Federal income tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1118. Investment of assets of domestic companies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§§ 35-1119, 35-1120.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1121. Establishment of foreign connections.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1122. Corporations engaged exclusively in writing insurance in foreign countries may organize in District of Columbia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1123. Prohibition of unauthorized insurance—Licensing of brokers in certain cases.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, to 35-1126, 35-1128 to 35-1132, 47-1806.

§ 35-1124. Superintendent of insurance may issue license to agent or broker to solicit marine insurance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121 to 35-1123, 35-1126, 35-1128 to 35-1132, 47-1806.

§ 35-1125. Holder of license to maintain office in District of Columbia and to keep book of records—Contents—Superintendent of Insurance may inspect such record—Data secured by Superintendent to be confidential.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121 to 35-1124, 35-1126, 35-1128 to 35-1132, 47-1806.

§ 35-1126. License to furnish bond.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121 to 35-1125, 35-1128 to 35-1132, 47-1806.

§ 35-1127. Keeping of classified records.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1132, 47-1806.

§ 35-1128. Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1129 to 35-1132, 47-1806.

§ 35-1129. Production of incriminating evidence compellable—Immunity of witness.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128, 35-1130 to 35-1132, 47-1806.

§ 35-1130. Clerical assistance and departmental expenses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128, 35-1129, 35-1131, 35-1132, 47-1806.

§ 35-1131. Separability of provisions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1130, 35-1132, 47-1806.

§ 35-1132. Right to amend or repeal reserved.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1101 to 35-1103, 35-1105, 35-1108, 35-1109, 35-1111, 35-1114, 35-1115, 35-1117, 35-1118, 35-1121, 35-1122, 35-1124, 35-1128 to 35-1131, 47-1806.

Chapter 12.—INSURANCE AGENTS OTHER THAN LIFE

§ 35-1201. Insurance agents to secure licenses—Commissions to unlicensed agents prohibited—Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-105, 35-201, 35-1202.

§ 35-1202. Fraternal associations exempt under this chapter—Employment of solicitors and license fees therefor—Industrial insurance may be carried on—Industrial insurance license—Penalty for soliciting without license.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-105, 35-201.

Chapter 13.—FIRE, CASUALTY, AND MARINE INSURANCE

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 35-1501, 35-1502.

SUBCHAPTER I.—FIRE, CASUALTY, AND MARINE INSURANCE, GENERALLY

§ 35-1303. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1401.

§ 35-1304. Records of Insurance Department—Power to make rules.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(277) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 35-1305. Certificate of authority—Necessity for—Expiration—Requirements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1303, 35-1318, 35-1323.

§ 35-1306. Revocation and suspension of certificate of authority—Grounds for—Notice and hearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1409, 35-1509, 35-1611.

§ 35-1311. Annual statement—Time for filing—Extension of time—Verification—Blanks to be furnished—Form and modification of blanks—Publication of statement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1330.

§ 35-1313. Examinations—Production of books and papers—Expenses—False statements, reports, or entries—Penalties—Foreign or alien companies, acceptance of examinations made by other authorities.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1303.

§ 35-1315. Limitation of risk—Reinsured risks excluded from computations—Workmen's compensation, employers' liability, marine or inland marine risks excluded.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1305.

§ 35-1316. Capital and surplus, minimum requirements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26-301, 35-1305.

§ 35-1317. Existing companies, application of act—Capital and surplus requirements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1328, 35-1329.

§ 35-1324. Lloyd's organizations—Requirements—Limitation of risk—Surplus—Filing copy of power of attorney—Annual statement—Verification.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1323.

§ 35-1327. Process, service upon foreign or alien companies by service on Superintendent—Force and effect—Registered letter to company—Proof of service—Penalty for failure to designate attorney for service of process.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1317, 35-1326.

§ 35-1328. Names of mutual or reciprocal companies—Requirements—Exceptions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1317.

§ 35-1336. Agents and brokers, license—Form of application—Request by company or agent, form and contents—Bond of brokers—Written examination—Requirements for license—Waiver of examination—Issuance to individuals or firms—License for own business prohibited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1339, 35-1345.

§ 35-1339. Renewal of licenses—Written notice of refusal to renew—Hearing—Application to court for leave to continue business pending appeal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1365.

§ 35-1340. Revocation and suspension of licenses—Grounds for—Notice and hearing—Evidence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1336, 35-1339, 35-1409, 35-1509, 35-1611.

§ 35-1342. Exemption from license—Sale of accident insurance in railroad ticket offices, common carriers—Travel bureau—Business of ocean marine insurance, insurance covering railroad property and other common carriers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1335.

§ 35-1343. Agents prohibited from representing unauthorized companies—"Companies" defined—Penalties—Civil liability—Exceptions—Prosecution.

Except as provided in section 35-1344, no person shall act as agent in the District for any company which is not authorized to do business in the District, nor shall any person directly or indirectly negotiate for or solicit applications for policies of, or for membership in, any company which is not authorized to do business in the District. The term

"company" as used in this section shall include any association, society, company, corporation, joint-stock company, individual, partnership, trustee, or receiver engaged in the business of assuming risks of insurance, surety, or indemnity, and any Lloyd's organization, assessment, or cooperative fire company, or any reciprocal or interinsurance exchange, and any company, association, or society, whether organized for profit or not, conducting a business, including any of the principles or features of insurance, surety, or indemnity. Any person who violates any provision of this section upon conviction shall be fined not less than \$100 nor more than \$1,000 for each offense, or be imprisoned for not more than twelve months, or both, and any such person shall be personally liable to any resident of the District having claim against any such unauthorized company under any policy which said person has solicited or negotiated, or has aided in soliciting or negotiating: *Provided*, That the provisions of this section shall not apply to any person who negotiates with an unauthorized company for policies covering his own property or interests, nor shall the provisions of this section apply to the officers, agents, or representatives of any company which is in process of organization under the laws of the District, and which is authorized temporarily to solicit or secure memberships or applications for policies for the purpose of completing such organization. Prosecutions for violations of this section shall be upon information filed in the District of Columbia Court of General Sessions by the corporation counsel or any of his assistants. (Oct. 9, 1940, 54 Stat. 1080, ch. 792, Ch. II, § 39; Feb. 22, 1958, 72 Stat. 26, Pub. L. 85-334, § 10; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1.)

CODIFICATION

This section is set out in this supplement to correct an inadvertent omission in the text and to supply a credit line likewise inadvertently omitted.

§ 35-1344. License to write policy in unauthorized company when no authorized company available—Taxation—Reports, form and contents—Revocation or refusal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1343.

§ 35-1345. License fees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1339, 35-1344.

§ 35-1347. Penalties not otherwise prescribed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1363, 35-1611.

§ 35-1348. Appeal from Superintendent to Commissioners—Time for—Hearing on appeal—Effect of Commissioners' decision.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1365, 35-1403, 35-1612.

§ 35-1349. Court proceedings—Superintendent not liable for costs, damages, or to give supersedeas bond.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 35-1339, 35-1348, 35-1365, 35-1403, 35-1510, 35-1612.

Chapter 14.—REGULATION OF FIRE INSURANCE RATES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 35-1502.

§ 35-1404. Organization of rating bureau—Membership—Powers and duties—Apportionment of expenses.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(278) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars described in par. 278, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 15.—REGULATION OF CASUALTY AND OTHER INSURANCE RATES

§ 35-1503. Making of rates.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1504.

§ 35-1504. Supervision of rates.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1503.

§ 35-1505. Cooperative and concerted action authorized.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1506.

§ 35-1508. Authority and duty of Superintendent.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(279) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section in the particulars described in par. 279, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 16.—CREDIT LIFE, ACCIDENT, AND HEALTH INSURANCE

§ 35-1604. Amount of credit life insurance and credit accident and health insurance.

* * * * *

(c) Notwithstanding subsections (a) and (b), the amount of any credit life insurance or credit accident and health insurance with respect to indebtedness incurred to defray educational costs of a student may include the part of a commitment that has not been advanced by the creditor. (Sept. 25, 1962, 76 Stat. 581, Pub. L. 87-686, § 4; Sept. 20, 1966, 80 Stat. 821, Pub. L. 89-594, § 2.)

CODIFICATION

Subsection (c) is set out in this supplement to correct a typographical error therein as it appears in the main volume.

§ 35-1605. Term of credit life insurance and credit accident and health insurance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1606.

§ 35-1608. Refunds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1605.

TITLE 36.—LABOR

Chapter 1.—APPRENTICES

§ 36-129. Registration and approval of agreements—Agreements extending into majority of apprentice.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 36-128.

Chapter 2.—CHILD LABOR AND WORK PERMITS

§ 36-201. Regulation of child labor—Employment of children under fourteen years of age—Distribution of newspapers permitted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 36-202, 36-208, 36-212, 36-215, 36-228.

§ 36-202. Employment of children under eighteen years of age—Hours of employment—Notice to be posted in place of employment—List of minors employed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 36-212, 36-215, 36-228.

§ 36-203. Employment dangerous or prejudicial to life prohibited—Board of Education to prohibit such employment by general or special order.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 36-208, 36-212, 36-215, 36-228.

§§ 36-204 to 36-207.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 11-1557, 36-203, 36-212, 36-215, 36-228.

§ 36-208. Work or vacation permit—Procurement by employer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 36-212, 36-215, 36-228.

§ 36-209. Permit issued by director of school attendance and work permits—Contents—Record of applicants to be kept—List of permits granted or refused to be sent weekly to schools.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 36-210, 36-212, 36-215, 36-228.

§ 36-210. Application for permit—Evidence required to be furnished—Physician's certificate—School record.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 36-212, 36-215, 36-228.

§ 36-211. Evidence of age.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 36-210, 36-212, 36-215, 36-228.

§§ 36-212 to 36-214.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 11-1557, 36-212, 36-215, 36-228.

§§ 36-215, 36-216.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 11-1557, 36-212, 36-228.

§ 36-217. Limitations on employment in stuffing of newspapers—Sale of newspapers in streets—Distribution of papers on fixed routes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 36-201, 36-202, 36-212, 36-218 to 36-220, 36-222, 36-223, 36-228.

§§ 36-218 to 36-221.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 11-1557, 36-201, 36-212, 36-222, 36-223, 36-228.

§ 36-222. Penalties for violations of sections 36-217 to 36-224—Commitments to Board of Public Welfare—Probationary supervision—Revocation of badge.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-1557, 36-201, 36-212, 36-223, 36-228.

§§ 36-223, 36-224.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 11-1557, 36-201, 36-212, 36-222, 36-228.

§§ 36-225 to 36-227.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 11-1557, 36-212, 36-228.

§ 36-228. Juvenile court has jurisdiction.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11-1557.

Chapter 3.—EMPLOYMENT OF WOMEN

§ 36-301. Employment of females—Period of employment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-302 to 36-309a.

§ 36-302. Hours of employment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-304 to 36-309.

§ 36-303. Hours of continuous labor restricted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-304 to 36-309a.

§ 36-304. Notice to be posted—Allowance for meals.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-301, 36-305 to 36-309a.

§ 36-305. Time book to be kept.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-304, 36-306 to 36-309a.

§ 36-306. Inspectors—Appointment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-304, 36-305, 36-307 to 36-309.

§ 36-307. Inspectors authorized to enter buildings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-304 to 36-306, 36-308, 36-309.

§ 36-308. Inspectors to enforce law—Reports.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-304 to 36-307, 36-309.

§ 36-309. Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-304 to 36-308.

§ 36-309a. Exceptions as to requirements of certain sections, and as to keeping records of hours worked.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(280) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 36-310. Employers to furnish seats for female employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-308, 36-311.

§ 36-311. Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 36-308.

Chapter 4.—MINIMUM WAGES AND INDUSTRIAL SAFETY**SUBCHAPTER I.—MINIMUM WAGES****§ 36-403. Minimum wage and overtime compensation—Workweek—Wage orders.**

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-402, 36-404, 36-407, 36-408, 36-413.

§ 36-406. Reconsideration and revision of wage orders—Ad hoc committees—Committee reports of findings and recommendations—Failure to report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 36-402.

§ 36-407. Issuance of revised wage orders—Notice and hearing—Notice and effective date of orders—Contents of orders—Restrictions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-402, 36-406.

§ 36-408. Regulations of Commissions—Contents—Notice and hearing—Effective date.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(281) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section relating to making and revising regulations, including definitions of terms, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing

the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-402, 36-403, 36-413.

§ 36-411. Records of employers—Availability for inspection—Sworn statements—Statements to employees.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(282) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars described in par. 282, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 36-413.

§ 36-412. Posting of law and wage orders—Commissioners to furnish copies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 36-413.

§ 36-413. Prohibited acts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 36-414.

SUBCHAPTER II.—INDUSTRIAL SAFETY**§ 36-433. Additional duties of Board under this subchapter.**

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(283) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars described in par. 283, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 36-434. Rules and regulations—Public hearing—Publication—Effective date.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(284) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to adopting and promulgating rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 5.—WORKMEN'S COMPENSATION**§ 36-501. Longshoremen's and Harbor Workers' Compensation Act made applicable to District of Columbia.**

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-438, 46-303.

§ 36-502. Exceptions.

This chapter shall not apply in respect to the injury or death of (1) a master or member of a crew of any vessel; (2) an employee of a common carrier by railroad when engaged in interstate or foreign

commerce or commerce solely within the District of Columbia; (3) an employee subject to the provisions of section 7902 and subchapter I of chapter 81 of title 5, U.S. Code, and sections 292 and 1920-1922 of title 18 U.S. Code and (4) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, occupation, or profession of the employer; and (5) any secretary, stenographer, or other person performing any services in the office of any Member of Congress or under the direction, employment, or at the request of any Member of Congress, within the scope of the duties performed by secretaries, stenographers, or such employees of Members of Congress. (May 17, 1928, 45 Stat. 600, ch. 612, § 2; June 15, 1938, 52 Stat. 689, ch. 392.)

CODIFICATION

This section is set out in the supplement to correct an error therein, as it appears in the 1967 edition of the code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 36-438.

Chapter 6.—PAYMENT AND COLLECTION OF WAGES

§ 36-601. Definitions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(285) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b) with respect to promulgating regulations defining and delimiting the term "any person employed in a bona fide executive, administrative, or professional capacity," to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 36-602. When wages must be paid—Exceptions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36-603, 36-604, 36-607.

§ 36-604. Unconditional payment of wages conceded to be due.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 36-607.

TITLE 37.—LIBRARIES

Chapter 1.—PUBLIC LIBRARIES

§ 37-101. Public library established—Authority of Commissioners—Acceptance of gifts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 37-102, 37-103.

§ 37-102. Branch libraries.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 37-103.

§ 37-104. Board of trustees—Appointment and tenure.

TRANSFER OF FUNCTIONS OF THE BOARD OF COMMISSIONERS

Section 501 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"Status of certain agencies. (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by part IV of this reorganization plan.

"(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

"(1) Board of Education (including the public school system)

"(2) Board of Library Trustees (including the public libraries)

"(3) Recreation Board

"(4) Public Service Commission

"(5) Zoning Commission

"(6) Zoning Advisory Council

"(7) Board of Zoning Adjustment

"(8) Office of the Recorder of Deeds

"(9) Armory Board"

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 37-103.

§§ 37-105, 37-106.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 37-103.

§ 37-109. Transfer of miscellaneous books to District public library.

CODIFICATION

Section is also classified to 40 U.S.C. § 484-1.

TITLE 38.—LIENS

Chapter 1.—MECHANICS, MATERIALMEN, AND CONTRACTORS

§ 38-104. Conditions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 38-103, 38-209.

NOTES TO DECISIONS

Owners liability to subcontractor

Where 23% of each progress report certified by architect was chargeable against down payment and note to be delivered and to begin to be due when warehouse construction work was completed and lender paid remaining 77% of amounts shown on the first ten of eleven certified progress requisitions and where owners terminated the contract, the down payment and note at least negated further obligations of owners in those amounts, and owners thus owed general contractor nothing when subcontractors filed mechanics' liens, after termination of contract, pursuant to District of Columbia statute providing in effect that if owner owes general contractor nothing subcontractors can collect nothing by mechanics' liens. *Washington Concrete Sales Corporation, Inc., and R. L. Walutes etc. v. A. E. Morrisette et al.* (1966, 377 F. 2d 137, — U.S. App. D.C. —).

Evidence supported finding that owners, sued by subcontractors for enforcement of mechanics' liens filed under District of Columbia statute providing in effect that if owner owes general contractor nothing subcontractors can collect nothing, had completed building at cost higher than original contract price after terminating the contract. *Id.*

§§ 38-105 to 38-109.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 38-103.

§ 38-107. Subcontractor entitled to know terms of contract.

NOTES TO DECISIONS

Evidence of notice to subcontractors

Evidence supported finding that owners had advised subcontractors seeking to enforce mechanics' liens as to

terms of warehouse construction contract, status of payments, etc., in accordance with District of Columbia statute. *Washington Concrete Sales Corporation, Inc., and R. L. Walutes etc. v. A. E. Morrisette et al.* (1966, 377 F. 2d 137, — U.S. App. D.C. —).

§ 38-110. How lien enforced.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 38-103, 38-123.

§§ 38-111 to 38-122.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 38-103.

§ 38-124. Artisans' lien.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 38-125.

§§ 38-125, 38-126.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 38-209.

Chapter 2.—GARAGE KEEPERS AND LIVERYMEN

§ 38-201. Repealed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 38-202, 38-209.

§§ 38-202, 38-203.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 38-209.

§ 38-204. Lien of liverymen.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 38-206, 38-209.

§ 38-205. Lien for storage, repairs and supplies for motor vehicles.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 38-206, 38-208, 38-209.

TITLE 39.—MILITARY

Chapter 1.—COMPOSITION, ORGANIZATION, AND CONTROL

§ 39-102. Exemptions from service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 39-101.

§ 39-107. Repealed. Aug. 10, 1956, 70A Stat. 641, ch. 1041, § 53.

Section, acts June 3, 1916, 39 Stat. 197, ch. 134, § 60; June 4, 1920, 41 Stat. 780, ch. 227, subch. I, § 36; June 15, 1933, 48 Stat. 156, ch. 87, § 6, which related to organization of National Guard units, which had superseded act Mar. 1, 1889, 25 Stat. 774, ch. 328, § 11, as amended by act Feb. 18, 1909, 35 Stat. 629, ch. 146, is now covered by 32 U.S.C. § 104

§ 39-108. Reserve corps—Organization—Composition.

CODIFICATION

Section 74 of 1909 act made act Jan. 21, 1903, 32 Stat. 775 applicable to the District of Columbia; but this act had been superseded by the National Defense Act of June 3, 1916, 39 Stat. 166, ch. 134. The National Defense Act of June 3, 1916, was in turn repealed by act Aug. 10, 1956, 70A Stat. 641, ch. 1041, § 53 (this act enacted into law many of its provisions) and it is now covered by titles 10 and 32 of the U.S. Code. See tables in the U.S. Code.

§§ 39-109, 39-110. Repealed. Aug. 10, 1956, 70A Stat. 641, ch. 1041, § 53.

Section 39-109, act May 12, 1917, 40 Stat. 72, ch. 12, as amended by acts July 1, 1947, 61 Stat. 238, ch. 192, § 1(a); July 9, 1952, 66 Stat. 506, ch. 608, pt. VIII, § 804(a), which related to leaves of absence for employees of the United States and the District of Columbia who were members of the reserve components of the Armed Forces, is now covered by 5 U.S.C. §§ 502, 2105, 3551, 5534, 6323. See, particularly, 5 U.S.C. § 6323.

Section 39-110, act May 12, 1917, 40 Stat. 72, ch. 12, as amended by acts July 1, 1947, 61 Stat. 238, ch. 192, § 1(a); July 9, 1952, 66 Stat. 506, ch. 608, pt. VIII, § 804(a), which related to restoration of employees of the United States and the District of Columbia, who were members of the reserve components of the Armed Forces, to their government positions, when relieved from duty in such components, is now covered by 5 U.S.C. §§ 502, 2105, 3551, 5534, 6323. See, particularly, 5 U.S.C. § 3551.

§ 39-111. Disbanding companies below minimum strength.

CODIFICATION

In first sentence, words “, with the consent of the President,” were inserted after “the commanding general may” on authority of a proviso in § 68 of act June 3, 1916, cited as one of the sources of this section, which read: “*Provided*, That no organization of the National Guard, members of which shall be entitled to and shall have received compensation under the provisions of this act, shall be disbanded without the consent of the President, nor, without such consent, shall the commissioned or enlisted strength of any such organization be reduced below the minimum that shall be prescribed therefor by the President.”. Section 68 was repealed in its entirety by act Aug. 10, 1956, 70A Stat. 641, ch. 1041, § 53, and, including the quoted proviso, is now covered by 32 U.S.C. § 104. See, particularly, subsec. (f) thereof.

Section 14 of act Mar. 1, 1889, 25 Stat. 774, ch. 328, fixed the minimum number of enlisted men in any

company at forty. That section was repealed by act Feb. 18, 1909, 35 Stat. 630, ch. 146. It was considered that § 11 of act Mar. 1, 1889, 25 Stat. 774, as amended by act Feb. 18, 1909, 35 Stat. 629, which related to composition of the National Guard, was intended to supersede repealed § 14, but § 11 was later superseded by § 60 of act June 3, 1916, 39 Stat. 197, ch. 134 (National Defense Act). The latter, however, which was formerly classified to § 39-107 and to 32 U.S.C. former § 5, has been repealed and is now covered by 32 U.S.C. § 104. See note under former § 39-107.

Chapter 2.—COMMISSIONED OFFICERS

§ 39-202. Staff officers—Appointment and removal—Noncommissioned staff.

CODIFICATION

As enacted by the act of Mar. 1, 1889, this section, after “President” at end of first sentence, contained the additional words: “, and hold office until their successors are appointed and qualified, but may be removed at any time by the President”; and, after “adjutant-general,” near beginning of second sentence, contained the words: “with the rank of lieutenant colonel.”. These words were omitted from this section because apparently affected by a proviso in § 66 of act June 3, 1916, cited as one of the sources hereof, which read: “*Provided*, That the adjutants general of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may prescribe, and each adjutant general for a Territory shall be a citizen of the Territory for which he is appointed.”, and which was classified to 32 U.S.C. former § 12. § 66 of act June 3, 1916 was repealed in its entirety by act Aug. 10, 1956, 70A Stat. 641, ch. 1041, § 53, and is now covered by 32 U.S.C. § 314. See, particularly, subsec. (b) thereof.

§ 39-203. Qualifications of staff officers—Tenure—Vacancies.

CODIFICATION

The paragraph of act July 11, 1919, 41 Stat. 127, ch. 8, classified to this section, contained an introductory clause as follows: “That to comply with the provisions of section 110, of the act entitled ‘An Act for making further and more effectual provision for the national defense, and for other purposes,’ approved June 3, 1916 [39 Stat. 209, ch. 134], it is hereby provided that staff officers” [etc.]. § 110 of act June 3, 1916, was repealed by act Aug. 10, 1956, 70A Stat. 641, ch. 1041, § 53, and is now covered by 32 U.S.C. §§ 303, 322, 323, 710; see, also, 31 U.S.C. § 698a, and 37 U.S.C. §§ 201, 203, 204, 206, 402, 414-417, 301, 309, 1002.

CREDIT LINE

The correct citation of the source of this section is “July 11, 1919, ch. 8, 41 Stat. 127.”

§ 39-205. Omitted.

CODIFICATION

Section, as enacted by act June 6, 1900, 31 Stat. 671, ch. 811, which was also classified to 10 U.S.C. former § 998, provided that the “President of the United States may detail as adjutant-general of the District of Columbia Militia any retired officer of the Army who may be nominated to the President by the brigadier-general commanding the District of Columbia Militia, said retired officer while so detailed to have the active service pay and allowances of his rank in the Regular Army.” Although it was amended by act Sept. 2, 1957, 71 Stat. 596, Pub. L.

85-270, § 2, to substitute "commanding general of" for "brigadier-general commanding", it previously had been repealed by act Aug. 10, 1956, 70A Stat. 641, ch. 1041, § 53, having since been covered by 32 U.S.C. § 314(c), which also uses the term "commanding general", rather than the prior term "brigadier-general". As it is considered that the amendment of this repealed section by act Sept. 2, 1957, was an oversight, and that in any event this section is now covered by 32 U.S.C. § 314(c), this section is omitted from this Code.

Chapter 4.—ENLISTED PERSONNEL

§§ 39-401 to 39-403. Repealed. Aug. 10, 1956, 70A Stat. 641, ch. 1041, § 53.

Section 39-401, acts June 3, 1916, 39 Stat. 200, ch. 134, § 69; July 11, 1919, 41 Stat. 127, ch. 8; June 4, 1920, 41 Stat. 781, ch. 227, subch. I, § 37; June 6, 1924, 43 Stat. 470, ch. 275, § 4; June 15, 1933, 48 Stat. 156, ch. 87, § 7; July 9, 1952, 66 Stat. 506, ch. 608, pt. VIII, § 806(a), which related to terms of enlistments in the National Guard and reenlistments, which superseded act Mar. 1, 1889, 25 Stat. 775, ch. 328, § 26, as amended by act Feb. 18, 1909, 35 Stat. 632, ch. 146, § 23, relating to the same subject, is now covered by 32 U.S.C. § 302.

Section 39-402, acts June 3, 1916, 39 Stat. 201, ch. 134, § 70; June 4, 1920, 41 Stat. 781, ch. 227, subch. I, § 38; June 15, 1933, 48 Stat. 156, ch. 87, § 8; June 19, 1935, 49 Stat. 391, ch. 277, § 3; July 9, 1952, 66 Stat. 506, ch. 608, pt. VIII, § 806(b), which related to enlistment contract and oath of enlistment, which superseded act Mar. 1, 1889, 25 Stat. 776, ch. 328, § 27, as amended by act Feb. 18, 1909, 35 Stat. 632, ch. 146, relating to the same subject, is now covered by 32 U.S.C. § 304.

Section 39-403, acts June 3, 1916, 39 Stat. 201, ch. 134, § 72; June 4, 1920, 41 Stat. 781, ch. 227, subch. I, § 40; June 15, 1933, 48 Stat. 157, ch. 87, § 10; July 9, 1952, 66 Stat. 507, ch. 608, pt. VIII, § 806(d), which related to form and classification of discharge of an enlisted man from National Guard, and discharges in time of peace, which superseded act Mar. 1, 1889, ch. 328, §§ 28, 30, as amended by Act Feb. 18, 1909, 35 Stat. 632, ch. 146, relating to the same subject, is now covered by 32 U.S.C. § 322.

Chapter 5.—ARMAMENT, EQUIPMENT, AND SUPPLIES

§ 39-501. Uniform, arms, and equipment—Issuance by Department of the Army.

CODIFICATION

Act Feb. 18, 1909, 35 Stat. 629, ch. 146, amended act Mar. 1, 1889, 25 Stat. 772, ch. 328. Some of the sections of the 1889 act were repealed, some amended, and others were entirely new sections added by the act of 1909. In the history lines of this chapter, the section number of the 1889 act refers to the section of the original act as it appears in 25 Stat. 772 et seq. The section number in the 1909 act in the history line refers to the section of the 1889 act as amended by later act and shows the new number and wording of the section as it is found in 35 Stat. 629 et seq.

Section 36 of act Mar. 1, 1889, 25 Stat. 777, ch. 328, which was renumbered "39", without further amendment, by act Feb. 18, 1909, 35 Stat. 634, ch. 146, provided: "That property issued or provided under the provisions of this act which becomes unfit for use, and is condemned as unserviceable shall be reported by the commanding general to the Secretary of War, and shall be disposed of as may be directed by him." That section is deemed to have been superseded by act June 3, 1916, 39 Stat. 204 (National Defense Act of 1916), ch. 134, § 87, as amended by acts June 3, 1924, 43 Stat. 363, ch. 244, § 1; Feb. 28, 1925, 43 Stat. 1077, ch. 371, § 4; Aug. 27, 1954, 68 Stat. 880, ch. 1014, which was repealed by act Aug. 10, 1956, 70A Stat. 641, ch. 1041, § 53, and is now covered by 32 U.S.C. § 710.

§ 39-505. Penalty for selling, pawning, injuring, or retaining public property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 39-511.

Chapter 9.—MISCELLANEOUS PROVISIONS

§ 39-901. Duties of officers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 39-802.

TITLE 40.—MOTOR VEHICLES

Chapter 1.—REGISTRATION OF MOTOR VEHICLES

§ 40-101. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-103, 47-1208.

§ 40-102. Registration of motor vehicles and trailers— Certificates — Tags—Duplicates—Dealers—Fees— Official and foreign vehicles and trailers—Trans- fers—Regulations.

* * * *

(d) Upon the sale or other transfer to another owner of any motor vehicle or trailer registered under this title, the registration thereof shall expire. The owner selling or otherwise transferring such vehicle or trailer may register another motor vehicle or trailer for the unexpired portion of the registration year upon payment of a fee of \$1 and a sum equal to the difference between the registration fee originally paid and the fee computed for such other motor vehicle or trailer under section 40-103, in case the latter is the greater. If a motor vehicle or trailer be registered in the name of an individual, the name of the spouse of such individual may be added to the registration as a joint owner, subject to applicable provisions of law relating to the titling of the motor vehicle or trailer. Upon the death of a joint owner of a motor vehicle or trailer registered under this chapter the registration thereof shall be transferred to the survivor or survivors and the fee for such transfer shall be \$1.

* * * *

(As amended July 3, 1967, Pub. L. 90-43, § 1, 81 Stat. 108.)

AMENDMENT

1967—Act of July 3, 1967, added the third sentence to subsection (d) as above set out relating to the addition of a spouse's name to a registered vehicle or trailer as a joint owner.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(286, 287, 288 and 289) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (b), (c), (e) and (f) in the particulars described in pars. 286 to 289, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-103, 47-1208.

§ 40-103. Fees classified and use of proceeds designated.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(290 and 291) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a) and (d) in the particulars described in pars. 290 and 291, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the

District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9-220, 40-102, 40-103, 47-1208.

§ 40-104. Unlawful acts—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-103, 47-1208.

§ 40-105. Provisions not affected.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-103, 47-1208.

Chapter 3.—OPERATORS' PERMITS

§ 40-301. Operators' permits—Application—Examination—Periods for which issued—Fee—Lost permits—Age requirements—Provisions affecting personnel of armed forces of United States and foreign nations—Contents of permits—Possession of operator—Operation without permit prohibited.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(292 and 293) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a) (1), (6) and (b) in the particulars described in pars. 292 and 293, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 25-127, 40-303, 47-2331.

NOTES TO DECISIONS

Restricted license

Driver whose operator's license was subject to restriction that he wear glasses and who operated automobile without glasses was guilty of operating automobile contrary to restricted license notwithstanding his own medical examination showing such glasses were no longer necessary. *B. Reis v. District of Columbia* (D.C., App. 1967, 230 A.2d 487).

§ 40-302. Revocation or suspension of operators' permits—Procedure—New permit after revocation—Nonresidents—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-742, 25-127, 40-205, 40-603, 40-612, 47-2331.

§ 40-303. Nonresidents exempt from registration—Period of exemption.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 25-127, 40-104, 40-301, 40-302, 47-2331.

Chapter 4.—MOTOR VEHICLE SAFETY RESPONSIBILITY

§ 40-419. Administration by Commissioners.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(294) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioner, under this section with respect to making rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 40-423. Service of process on nonresident.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-493.

§ 40-424. Operator deemed to be agent of owner.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-493.

NOTES TO DECISIONS

Evidence overcoming presumption

Statutory presumption that proof of ownership of motor vehicle shall be prima facie evidence that motor vehicle was being operated with consent of owner may be overcome by uncontradicted denial by the owner, and in such a case a directed verdict for owner is proper. *C. R. Meyers et ano. v. F. O. Gaither* (D.C. App. 1967, 232 A.2d 577).

Evidence that automobile of defendant was involved in accident in Maryland about 11:30 p.m., that it was not until about 3:30 a.m., after repeated telephone calls, that police succeeded in contacting owner, and testimony of owner that he had been at his home all evening made question for jury whether automobile was being operated by owner or with owner's consent. *Id.*

Extra territorial effect

Application of evidentiary clause of District of Columbia statute that proof of ownership of automobile shall be prima facie evidence that automobile was operated with consent of owner to trial of cause of action arising from operation of automobile in Maryland did not give statute extra-territorial effect. *C. R. Meyers et ano. v. F. O. Gaither* (D.C. App. 1967, 232 A.2d 577).

§ 40-426. Report of accident required.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-428, 40-431, 40-433, 40-487, 40-493.

§ 40-427. Form of accident report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-426, 40-428, 40-431, 40-433, 40-493.

§ 40-428. Incapacity of person to make an accident report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-426, 40-431, 40-433, 40-487, 40-493.

§ 40-429. Additional information concerning accident to be furnished on request.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-426, 40-428, 40-431, 40-433, 40-487, 40-493.

§ 40-430. Suspension of license and registration for failure to report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-426, 40-428, 40-431, 40-433, 40-493.

§ 40-431. Accident reports to be confidential.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-426, 40-428, 40-433, 40-493.

§§ 40-432, 40-433.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-434, 40-436 to 40-438, 40-440 to 40-444, 40-446, 40-448, 40-449.

§ 40-434. Exceptions to requirements as to security and suspension.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-435 to 40-438, 40-440 to 40-444, 40-446, 40-448, 40-449.

§ 40-435. Automobile liability policy or bond—Requirements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440 to 40-444, 40-446, 40-448, 40-449.

§ 40-436. Security—Form and amount.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-437, 40-438, 40-440, to 40-444, 40-446, 40-448, 40-449.

§ 40-437. Failure to deposit security—Suspensions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436, 40-438, 40-440 to 40-444, 40-446, 40-448, 40-449.

§ 40-438. Release from liability.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436, 40-437, 40-440 to 40-444, 40-446, 40-448, 40-449.

§ 40-439. Adjudication of nonliability—Release from requirement of the deposit of security.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440 to 40-444, 40-446, 40-448, 40-449.

§ 40-440. Agreements for payment of damages.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-441 to 40-444, 40-446, 40-448, 40-449.

§ 40-441. Payment upon judgment—Release of judgment debtor.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440, 40-442 to 40-444, 40-446, 40-448, 40-449.

§ 40-442. Termination of security requirement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440, 40-441, 40-443, 40-444, 40-446, 40-448, 40-449.

§ 40-443. Duration of suspension.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440 to 40-442, 40-444, 40-446, 40-448, 40-449.

§ 40-444. Nonresidents—Unlicensed drivers—Unregistered vehicles—Accidents in other States.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440 to 40-443, 40-446, 40-448, 40-449.

§ 40-445. Commissioners authorized to decrease amount of security.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440 to 40-444, 40-446, 40-448, 40-449.

§ 40-446. Correction of Commissioners' action within one year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440 to 40-444, 40-448, 40-449.

§ 40-447. Disposition of security.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440 to 40-444, 40-446, 40-448, 40-449.

§ 40-448. Return of deposit.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440 to 40-444, 40-446, 40-449.

§ 40-449. Matters not to be evidence in civil suits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-434, 40-436 to 40-438, 40-440 to 40-444, 40-446, 40-448.

§ 40-450. Persons required to deposit proof of future responsibility.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-453, 40-462, 40-474.

§ 40-451. Proof of financial responsibility for the future.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-453, 40-462, 40-474, 40-476.

§ 40-452. "Judgment" and "State" defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-453, 40-462, 40-474.

§ 40-453. Suspension of license and registration for certain convictions—Effect of proof of financial responsibility—Vehicles owned or leased by the United States, a State, or a political subdivision thereof—Suspension for out of District convictions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-462, 40-474.

§§ 40-454 to 40-458.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-452, 40-453, 40-462, 40-474.

§ 40-459. Suspension for nonpayment of judgment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-453, 40-460, 40-462, 40-474.

§§ 40-460, 40-461.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-452, 40-453, 40-462, 40-463, 40-474.

§ 40-462. Commissioners finding that an insurer is obligated to pay judgment—Effect of finding—License, registration and operating privileges in the event of a finding.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-453, 40-474.

§§ 40-463 to 40-465.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-452, 40-453, 40-462, 40-474.

§ 40-466. Installment payment of judgments—Default.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-453, 40-461 to 40-463, 40-474.

§§ 40-467 to 40-469.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-452, 40-453, 40-462, 40-474.

§§ 40-470, 40-471.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-452, 40-453, 40-462, 40-469, 40-473, 40-474.

§§ 40-472, 40-473.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-452, 40-453, 40-462, 40-474.

§ 40-474. Notice of cancellation or termination of certified policy.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-453, 40-462.

§ 40-475. Provisions of chapter not to affect other policies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-453, 40-462, 40-474.

§ 40-476. Surety bond as proof of financial responsibility.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-453, 40-462, 40-469, 40-474.

§§ 40-477, 40-478.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-452, 40-453, 40-462, 40-474.

§ 40-479. Deposit of money with Commissioners—Certificate—Evidence of no unsatisfied judgments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-453, 40-462, 40-469, 40-474.

§§ 40-480 to 40-483.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-452, 40-453, 40-462, 40-474.

§ 40-484. Duration of proof—Cancellation or return of proof.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-452, 40-453, 40-462, 40-474, 40-498c.

§ 40-486. Surrender of license and registration.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-490.

§ 40-494. Self-insurers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-469.

Chapter 5.—PUBLIC-OWNED VEHICLES**§ 40-501. Motor vehicles to be marked.**

USE OF PUBLICLY-OWNED VEHICLES

Provisions similar to those set out under the above heading as a note to this section in the main volume are repeated in section 10 of the District of Columbia Appropriations Act of Nov. 13, 1967, Pub. L. 90-134, 81 Stat. 440, as follows:

"All motor-propelled passenger-carrying vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof, or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in

this Act. 'Official purposes' shall not apply to the Commissioners of the District of Columbia or in cases of officers and employees the character of whose duties makes such transportation necessary, but only as to such latter cases when the same is approved by the Commissioners."

Chapter 6.—REGULATION OF TRAFFIC

§ 40-601. Short title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2331.

§ 40-602. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2331.

§ 40-603. Commissioners authorized to make regulations—Department of Vehicles and Traffic—Director—Congressional tags—Titling—Joint board—Arterial and boulevard highways—Commissioners may prescribe penalties—Publication of regulations—Signs on highways—Prosecutions—Excise tax imposed for issuance of motor vehicle title certificates.

* * * * *

(d) The commissioners shall cause to be levied, collected, and paid such fees for titling and retitling as they deem necessary, not to exceed the sum of \$1 for each such titling or retitling, and they shall not, after the 1st day of January, 1932, register or renew the registration of any motor vehicle or trailer unless and until the owner thereof shall make application in the form prescribed by the commissioners and be granted an official certificate of title for such vehicle. No registration or other fee shall be charged to vehicles owned by the federal or District government or any duly accredited representative of a foreign government. The owner of a motor vehicle or trailer registered in the District of Columbia shall not, after the 1st day of January, 1932, operate or permit or cause to be operated any such vehicle upon any public highway in the District without first obtaining a certificate of title therefor, nor shall any individual knowingly permit any certificate of title to be obtained in his name for any vehicle not in fact owned by him, and any individual violating any provision of this subsection or any regulations promulgated thereunder shall be fined not more than \$1,000 or imprisoned not more than one year, or both. If the properly designated agent of the commissioners shall determine that an applicant for a certificate of title is not entitled thereto, such certificate of title may be refused, and in that event unless such determination is reversed upon written application to the commissioners by the individual affected, such individual shall be entitled to proceed further as provided under section 40-302(a), and jurisdiction is conferred upon the United States Court of Appeals for the District of Columbia for this purpose: *Provided*, That reasonable time for hearing be given the applicant in the first instance.

* * * * *

(As amended Dec. 4, 1967, Pub. L. 90-172, § 1, 81 Stat. 532.)

AMENDMENT

1967—Sec. 1, Act Dec. 4, 1967, Pub. L. 90-172 amended the first sentence of subsection (d) by striking out " , under oath,".

ABOLISHMENT OF JOINT BOARD CREATED UNDER SUBSECTION (e)

Section 503(c) of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"The joint board authorized and created by section 6(e) of the Act of March 3, 1925, 43 Stat. 1121, as amended (D.C. Code, sec. 40-603(e)), together with its functions, is hereby abolished."

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(295 to 299) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a), (c), (e), (f) and (g) in the particulars described in pars. 295 to 299, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 25-127, 40-102, 40-603-1, 40-603b, 40-612, 43-907, 47-2331, 47-2333.

§ 40-604. Parking space for Members of Congress.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(300) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2331.

§ 40-604a. Parking of automobiles in Municipal Center—Regulations—Violations and penalties.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(301, 302, and 303) of Reorg. Plan. No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars described in pars. 301, 302 and 303, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-808.

§ 40-605. Speeding and reckless driving.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 25-127, 40-612, 47-2331.

§ 40-606. Negligent homicide.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-608, 40-609a.

NOTES TO DECISIONS

Criticism of defense counsel

Unjustified criticizing of defense counsel for being unfair to government witness, taking over examination of four defense witnesses, consuming with two of them considerable time on extraneous matters placing them in bad light, and rebuking defense counsel for unfair questions or tactics and stopping him in course of examination and making belittling or sardonic remarks required new trial on charge of negligent homicide. *A. C. Williams v. United States* (D.C. App. 1967, 228 A. 2d 846).

§ 40-607. Negligent homicide included in manslaughter where death due to operation of vehicle.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-608.

§ 40-609. Fleeing from scene of accident—Driving under the influence of liquor or drugs.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 25-127, 40-609a, 40-612, 47-2331.

NOTES TO DECISIONS

Evidence—sufficiency

Evidence was ample to support the jury's finding that defendant was operating a motor vehicle while under the influence of intoxicating liquor. *R. B. Kelly v. District of Columbia* (D.C. App. 1967, 233 A. 2d 503).

§ 40-610. Smoke screens.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-603, 47-2331.

§ 40-611. Reporting by garage keeper of cars damaged in accidents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2331.

§ 40-612. Convictions to be reported.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25-127.

§§ 40-613 to 40-615.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-2331.

§ 40-616. Parking meters.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(304) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making rules and regulations for the control of parking and prescribing fees, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-804, 40-808.

§ 40-617. Loitering by public cabs.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(305) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making regulations under the last sentence of the sections, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 7.—LIENS ON MOTOR VEHICLES OR TRAILERS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 28:9-203, 28:9-302.

§§ 40-701, 40-702.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 42-104, 45-701.

§ 40-703. Entry of lien—Priority.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-709, 42-104, 45-701.

§§ 40-704, 40-705.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 42-104, 45-701.

§ 40-706. Liens shown by application for certificate—Entry of lien—Collection of fees—Absence of liens to be shown—Certificate to holder of first lien.

Applications for certificates, in addition to all other matters which may be required by law, shall show whether or not there are any liens against the motor vehicle or trailer or any equipment or accessories affixed thereto and if so, the lien information in the order of its priority, and shall be accompanied by instruments or any other papers necessary to entitle liens to be entered on the certificate.

* * * * *

(As amended Dec. 4, 1967, Pub. L. 90-172, § 2, 81 Stat. 532.)

AMENDMENT

1967—Sec. 2, Act Dec. 4, 1967, Pub. L. 90-172, amended the first sentence by striking out "under oath".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-707, 40-711, 42-104, 45-701.

§§ 40-707 to 40-711.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 42-104, 45-701.

§ 40-712. Fees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-712a, 42-104, 45-701, 45-714.

§ 40-712a. Fee for releasing liens.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45-714.

§§ 40-713 to 40-715.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 42-104, 45-701.

Chapter 8.—REGULATION OF PARKING

§ 40-804. Commissioners' powers — Acquisition of property—Construction and maintenance—Leasing to private interests—Disposal of property—Establishment of rates—Miscellaneous rules and regulations—Parking meters.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(306 and 307) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (d) and (e) in the particulars described in pars. 306 and 307, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-805.

§ 40-805. Motor-Vehicle Parking Agency—Creation and composition—Term—Powers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-803.

§ 40-808. Disposition of fees and moneys collected.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-804.

§ 40-809a. Acquisition of new parking facilities prohibited—Operation and expansion of existing facilities—Exempt facilities.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-808.

§ 40-810. Parking restrictions—Vehicles impounded—Penalties.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA
COUNCIL

Section 402(308) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to fixing the amount of collateral, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-811.

§ 40-811. Same—United States public buildings and property—Regulations—Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-810.

Chapter 9.—INSTALLMENT SALES OF MOTOR VEHICLES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 28:9-203.

§ 40-901. Definitions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA
COUNCIL

Section 402(309) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (4) with respect to including fees within the definition of the term "Governmental charges", to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1361.

§ 40-902. Maximum finance charges—Computation—Proportionate adjustments—Investigation of economic conditions to determine finance charges—Regulations—Classification of parties—Waiver.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA
COUNCIL

Section 402 (310 to 314) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (d), (e) (1), (2), (3) and (f) in the particulars described in pars. 310 to 314, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1361.

§ 40-903. Bonding of automobile dealers and applicants—Liability Insurance—Designation of Commissioners as agents for service of process—Limitation on bonds—Action on bonds.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA
COUNCIL

Section 402(315) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) in the particulars described in par. 315, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1361.

§ 40-904. Delegation of functions—Exception.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1361.

§ 40-905. Promulgation of regulations—Public hearings.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA
COUNCIL

Section 402(316) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35-1361.

§§ 40-906 to 40-910.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 35-1361.

TITLE 41.—PARTNERSHIPS

Chapter 1.—LIMITED PARTNERSHIPS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 41-429.

§§ 41-101 to 41-109, 41-111, 41-113 to 41-131.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 41-429.

Chapter 2.—DISSOLUTION AND PAYMENT OF DEBTS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 16-2106.

Chapter 3.—UNIFORM PARTNERSHIPS

PART III

RELATIONS OF PARTNERS TO PERSONS DEALING WITH PARTNERSHIP

§ 41-308. Partner agent of partnership as to partnership business.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41-309.

§§ 41-312, 41-313.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 41-314.

§ 41-315. Partner by estoppel.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41-334.

§ 41-316. Liability of incoming partner.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41-306.

PART IV

RELATIONS OF PARTNERS TO ONE ANOTHER

§ 41-317. Rules determining rights and duties of partners.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41-339.

§ 41-320. Partner accountable as a fiduciary.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41-321.

PART V

PROPERTY RIGHTS OF A PARTNER

§§ 41-326, 41-327.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 41-331.

PART VI

DISSOLUTION AND WINDING UP

§ 41-331. Dissolution by decree of court.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41-330.

§§ 41-333, 41-334.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 41-332.

§ 41-335. Effect of dissolution on partner's existing liability.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41-337.

§ 41-337. Rights of partners to application of partnership property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 41-340, 41-341.

§ 41-340. Liability of persons continuing the business in certain cases.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41-341.

Chapter 4.—UNIFORM LIMITED PARTNERSHIPS

§ 41-402. Formation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 41-401, 41-425, 41-429.

§ 41-406. Liability for false statements in certificate.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41-418.

§§ 41-415, 41-416.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 41-410.

§ 41-417. Liability of limited partner to partnership.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41-418.

§ 41-425. Requirements for amendment and for cancellation of certificate.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 41-406, 41-407, 41-418.

TITLE 42.—PERSONAL PROPERTY

Chapter 1.—RECORDATION OF INSTRUMENTS

§§ 42-101, 42-103.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 42-104.

TITLE 43.—PUBLIC UTILITIES

Chapter 1.—DEFINITION OF TERMS AND APPLICATION OF LAW

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 29–240, 43–101 to 43–123, 43–202, 43–204, 43–206, 43–207, 43–209, 43–303, 43–309 to 43–311, 43–317, 43–319, 43–322, 43–329, 43–401, 43–405 to 43–407, 43–411, 43–418, 43–501, 43–704, 43–712, 43–801, 43–803, 43–807, 43–808, 43–901, 43–904 to 43–907, 43–910, 43–911, 43–913, 43–1002, 43–1003, 43–1005 to 43–1007.

§ 43–104. Service.

NOTES TO DECISIONS

Service, defined

Advertising published in the classified telephone directory did not constitute a “service” and the Public Service Commission did not have statutory jurisdiction to regulate the rates charged for advertising in the classified directory. *The Classified Directory Subscribers Association et al. v. Public Service Commission of the District of Columbia* (1966, 274 F. Supp. 261; aff’d 383 F. 2d 510).

Chapter 2.—CREATION OF PUBLIC SERVICE COMMISSION — MEMBERS — COUNSEL — EMPLOYEES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 29–240, 43–101 to 43–123, 43–202, 43–204, 43–206, 43–207, 43–209, 43–303, 43–309 to 43–311, 43–317, 43–319, 43–322, 43–329, 43–401, 43–405 to 43–407, 43–411, 43–418, 43–501, 43–704, 43–712, 43–801, 43–803, 43–807, 43–808, 43–901, 43–904 to 43–907, 43–910, 43–911, 43–913, 43–1002, 43–1003, 43–1005 to 43–1007.

§ 43–201. Members — Eligibility of Commissioners — Oath.

TRANSFER OF FUNCTIONS OF THE BOARD OF COMMISSIONERS

Section 501 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

“Status of certain agencies. (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

“(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

“(1) Board of Education (including the public school system)

“(2) Board of Library Trustees (including the public libraries)

“(3) Recreation Board

“(4) Public Service Commission

“(5) Zoning Commission

“(6) Zoning Advisory Council

“(7) Board of Zoning Adjustment

“(8) Office of the Recorder of Deeds

“(9) Armory Board”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43–203.

§§ 43–201 to 43–209.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47–2331 [erroneously described in subsection (f) as section 40–1001 to 40–1007].

Chapter 3.—SERVICE, VALUATION, ACCOUNTS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 29–240, 43–101 to 43–123, 43–202, 43–204, 43–206, 43–207, 43–209, 43–303, 43–309 to 43–311, 43–317, 43–319, 43–322, 43–329, 43–401, 43–405 to 43–407, 43–411, 43–418, 43–501, 43–704, 43–712, 43–801, 43–803, 43–807, 43–808, 43–901, 43–904 to 43–907, 43–910, 43–911, 43–913, 43–1002, 43–1003, 43–1005 to 43–1007.

§ 43–301. Public utilities — Service and facilities — Charges to be reasonable, just, and nondiscriminatory—To obey orders of Commission.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 46–303.

NOTES TO DECISIONS

Service, defined

“Yellow Pages” advertising, was not a public utility “service” or “facility” within statute providing that every public utility doing business within the District of Columbia is required to furnish service and facilities in all respects just and reasonable, and hence the public service commission lacked jurisdiction to regulate the rates and practices of telephone company with respect to its yellow pages classified telephone directory. *The Classified Directory Subscribers Association v. Public Service Commission of the District of Columbia* (1967, 383 F. 2d 510, — U.S. App. D.C. —).

Not all services offered by a public utility are regulable under statute providing that every public utility doing business within the District of Columbia is required to furnish service and facilities in all respects just and reasonable. *Id.*

§ 43–303. Commission to compel compliance with chapters 1–10 of this title, with laws, ordinances, and charter—Criminal liability continued.

NOTES TO DECISIONS

Service, defined

“Yellow Pages” advertising was not a public utility “service” or “facility” within statute providing that every public utility doing business within the District of Columbia is required to furnish service and facilities in all respects just and reasonable, and hence the public service commission lacked jurisdiction to regulate the rates and practices of telephone company with respect to its yellow pages classified telephone directory. *The Classified Directory Subscribers Association v. Public Service Commission of the District of Columbia* (1967, 383 F. 2d 510, — U.S. App. D.C. —).

Not all services offered by a public utility are regulable under statute providing that every public utility doing business within the District of Columbia is required to furnish service and facilities in all respects just and reasonable. *Id.*

§ 43–325. Copy of rate schedule to be available for public inspection.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43–326.

Chapter 4.—RATES, EXAMINATIONS, INVESTIGATIONS, AND HEARINGS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 29–240, 43–101 to 43–123, 43–202, 43–204, 43–206, 43–207, 43–209, 43–303, 43–309 to 43–311, 43–317, 43–319, 43–322, 43–329, 43–401, 43–405 to 43–407, 43–411, 43–418, 43–501, 43–704, 43–712, 43–801, 43–803, 43–807, 43–808, 43–901, 43–904 to 43–907, 43–910, 43–911, 43–913, 43–1002, 43–1003, 43–1005 to 43–1007.

§ 43-406. Appointment of investigating agents — Powers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-418.

§ 43-410. Notice as to hearings—Compulsory attendance of witnesses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-411, 43-416, 43-702.

§ 43-412. Expenses of investigation or revaluation to be borne by utility—Deposit for costs—Limitation of expenditures in rate and revaluation hearings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-711.

Chapter 5.—SALE AND MERGER OF UTILITIES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 29-240, 43-101 to 43-123, 43-202, 43-204, 43-206, 43-207, 43-209, 43-303, 43-309 to 43-311, 43-317, 43-319, 43-322, 43-329, 43-401, 43-405 to 43-407, 43-411, 43-418, 43-501, 43-704, 43-712, 43-801, 43-803, 43-807, 43-808, 43-901, 43-904 to 43-907, 43-910, 43-911, 43-913, 43-1002, 43-1003, 43-1005 to 43-1007.

§ 43-503. Merger of street railways permitted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-502.

Chapter 6.—GAS AND ELECTRIC CORPORATIONS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 29-240, 43-101 to 43-123, 43-202, 43-204, 43-206, 43-207, 43-209, 43-303, 43-309 to 43-311, 43-317, 43-319, 43-322, 43-329, 43-401, 43-405 to 43-407, 43-411, 43-418, 43-501, 43-704, 43-712, 43-801, 43-803, 43-807, 43-808, 43-901, 43-904 to 43-907, 43-910, 43-911, 43-913, 43-1002, 43-1003, 43-1005 to 43-1007.

Chapter 7.—ORDERS AND COURT PROCEEDINGS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 29-240, 43-101 to 43-123, 43-202, 43-204, 43-206, 43-207, 43-209, 43-303, 43-309 to 43-311, 43-317, 43-319, 43-322, 43-329, 43-401, 43-405 to 43-407, 43-411, 43-418, 43-501, 43-704, 43-712, 43-801, 43-803, 43-807, 43-808, 43-901, 43-904 to 43-907, 43-910, 43-911, 43-913, 43-1002, 43-1003, 43-1005 to 43-1007.

§ 43-704. Application to District Court for instructions—Application for reconsideration.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-707, 43-710, 43-711.

§ 43-705. Appeal to District Court from certain orders—Precedence over other civil causes—Proceeding when additional evidence proper—Statement to accompany decision—Subsequent appeals—Commission not liable for costs or damages.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-710, 43-711.

NOTES TO DECISIONS

Public interest

Finding that gas rates, embodied in contractual arrangements reached between gas company and apartment and office building owner for supplying steam and chilled water for heating and air-conditioning of building to be constructed, were lawful and not against the public interest as supported by substantial evidence and as not arbitrary or capricious. *Association of Fair Competitive Practices In Air Conditioning, Inc. v. Public Service Commission of the District of Columbia, et al.* (1967, 372 F. 2d 934, 125 U.S. App. D.C. 361).

Scope of inquiry

District of Columbia Public Service Commission was

not, out of issues generated in case respecting approval of rate embodied in contractual arrangements between gas company and owner of apartment and office building for the supplying of steam and chilled water for heating and air-conditioning building, required to range beyond the scope of application before it and to make a wide ranging inquiry into general merchandising practices of gas company with respect to air-conditioning equipment. *Association of Fair Competitive Practices In Air Conditioning, Inc. v. Public Service Commission of the District of Columbia, et al.* (1967, 372 F. 934, 125 U.S. App. D.C. 361).

§§ 43-706 to 43-709.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 43-710, 43-711.

§ 43-710. Method of review exclusive.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-711.

Chapter 8.—ISSUANCE OF SECURITIES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 29-240, 43-101 to 43-123, 43-202, 43-204, 43-206, 43-207, 43-209, 43-303, 43-309 to 43-311, 43-317, 43-319, 43-322, 43-329, 43-401, 43-405 to 43-407, 43-411, 43-418, 43-501, 43-704, 43-712, 43-801, 43-803, 43-807, 43-808, 43-901, 43-904 to 43-907, 43-910, 43-911, 43-913, 43-1002, 43-1003, 43-1005 to 43-1007.

Chapter 9.—PENAL PROVISIONS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 29-240, 43-101 to 43-123, 43-202, 43-204, 43-206, 43-207, 43-209, 43-303, 43-309 to 43-311, 43-317, 43-319, 43-322, 43-329, 43-401, 43-405 to 43-407, 43-411, 43-418, 43-501, 43-704, 43-712, 43-801, 43-803, 43-807, 43-808, 43-901, 43-904 to 43-907, 43-910, 43-911, 43-913, 43-1002, 43-1003, 43-1005 to 43-1007.

§ 43-906. Penalty for failure or refusal to perform duty enjoined or to obey order of Commission.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-907, 43-908.

§ 43-907. Prosecution and penalty for violation of rules.

Prosecution for violation of any rule, order, or regulation made, adopted, or approved by the Public Service Commission under authority of chapters 1-10 of this title, or section 40-603, or sections 47-2301 to 47-2328, 47-2331 to 47-2350, or by the Joint Board under authority of section 40-603 or sections 47-2301 to 47-2328, 47-2331 to 47-2350, shall be on information in the District of Columbia Court of General Sessions, in the name of the District of Columbia, by the corporation counsel or any of his assistants. Any person, corporation, or public utility violating any such rule, order, or regulation shall, upon conviction, be fined not more than \$200: *Provided*, That the provisions of sections 43-907, 43-908 shall not be construed to apply to rules, orders, or regulations adopted or promulgated by the Commissioners of the District of Columbia which are not specifically required to be referred to the Joint Board or subject to the approval of such board: *Provided further*, That with respect to orders, rules, or regulations made or adopted by the Public Service Commission under authority of chapters 1-10 of this title, this section shall be construed to apply only to such orders, rules, or regulations as are subject to the penalties specifically provided in section 43-906. (Apr. 5, 1939, 53 Stat. 569, ch. 40, § 1; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21.)

ABOLITION OF JOINT BOARD

The Joint Board referred to in this section was abolished by section 503(c) of the Reorganization Plan No. 3 of 1967, effective November 3, 1967. The Plan is set out in the appendix to title 1.

CODIFICATION

This section is set out in this supplement to correct a typographical error in the section as it appears therein in the 1967 edition of the code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-908.

§ 43-908. Construction of sections 43-906 and 43-907.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 43-907.

Chapter 10.—GENERAL PROVISIONS**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in sections 29-240, 43-101 to 43-123, 43-202, 43-204, 43-206, 43-207, 43-209, 43-303, 43-309 to 43-311, 43-317, 43-319, 43-322, 43-329, 43-401, 43-405 to 43-407, 43-411, 43-418, 43-501, 43-704, 43-712, 43-801, 43-803, 43-807, 43-808, 43-901, 43-904 to 43-907, 43-910, 43-911, 43-913, 43-1002, 43-1003, 43-1005 to 43-1007.

§ 43-1003. Chapters to be liberally construed—Separability of provisions.**NOTES TO DECISIONS**

Service, defined

Advertising published in the classified telephone directory did not constitute a "service" and the Public Service Commission did not have statutory jurisdiction to regulate the rates charged for advertising in the classified directory. *The Classified Directory Subscribers Association et al. v. Public Service Commission of the District of Columbia* (1966, 274 F. Supp. 261; aff'd 383 F. 2d 510).

Chapter 11.—ELECTRIC LIGHT AND POWER COMPANIES—SPECIAL ACTS**§ 43-1101. Extension of overhead wires in Georgetown—Extension of underground conduits in Mount Pleasant.****TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(317) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars described in par. 317, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-1102.

§ 43-1105. Electric-lighting wires east of Rock Creek.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(318) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 43-1106. Permits for repair, extension, and enlargement of conduits.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(319) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 43-1107. Extension of conduits—Ducts for use of fire and police wires—Maximum price of current—Additional charge for nonpayment of bills.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(320) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 13.—PRIVATE CONDUITS**§§ 43-1301, 43-1302.****SECTIONS REFERRED TO IN OTHER SECTIONS**

These sections are referred to in section 43-1303.

Chapter 14.—TELEGRAPH AND TELEPHONE COMPANIES**§ 43-1401. Additional telegraph and telephone wires prohibited on streets—Extensions.****SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 43-1102.

§ 43-1402. Removal of telephone poles and wires—Area of removal—Duties of Commissioners—Extension of conduits.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1403 to 43-1408.

§ 43-1403. Plans of conduits to be submitted to Commissioners—Permits—Removal of poles—Wires for house connections—Telephone companies.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1402, 43-1404 to 43-1406, 43-1408.

§ 43-1404. Penalties.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1402, 43-1403, 43-1405, 43-1406, 43-1408.

§ 43-1405. Erection and maintenance of telephone poles in alleys—Poles outside designated limit—Temporary permits.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1402, 43-1403, 43-1406, 43-1408.

§ 43-1406. Regulations for inspection—Ducts for use of fire and police wires.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(321) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to prescribing regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-1402, 43-1403, 43-1405, 43-1408.

§ 43-1407. Repairs and renewals.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1402, 43-1403, 43-1405, 43-1406, 43-1408.

§ 43-1408. Right to alter, amend, or repeal reserved.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1402, 43-1403, 43-1405, 43-1406.

§ 43-1409. Removal of telegraph poles and wires—Duties of Commissioners—Extension of conduits.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1410 to 43-1412, 43-1414 to 43-1417.

§ 43-1410. Plans of conduits to be submitted to Commissioners—Permits—Removal of poles—Wires for house connections—Telegraph companies.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1409, 43-1412, 43-1414, 43-1416, 43-1417.

§ 43-1411. Penalties.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1409, 43-1410, 43-1412, 43-1414, 43-1416, 43-1417.

§ 43-1412. Erection and maintenance of telegraph poles in alleys—Poles outside designated limits—Temporary permits.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1409, 43-1410, 43-1414, 43-1416, 43-1417.

§ 43-1413. Conduits in public parks or reservations.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1409, 43-1410, 43-1412, 43-1414, 43-1416, 43-1417.

§ 43-1414. Regulations for inspection—Ducts for use of fire and police wires.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(322) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to prescribing regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-1409, 43-1410, 43-1412, 43-1416, 43-1417.

§ 43-1415. Repairs and renewals.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1409, 43-1410, 43-1412, 43-1414, 43-1416, 43-1417.

§ 43-1416. Right to alter, amend, or repeal reserved—Rights under 43 U.S.C. § 1 et seq. preserved.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1409, 43-1410, 43-1412, 43-1414, 43-1417.

§ 43-1417. Rights to build and lay conduits not to be paid for in event of condemnation.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1409, 43-1410, 43-1412, 43-1414, 43-1416.

Chapter 15.—WATER SUPPLY, ASSESSMENTS, AND RATES**§ 43-1503. Water supply—Rules and regulations.****TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(323) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making regulations for the proper distributions of water, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 43-1504. Fiscal year of water department.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(324) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to determining the frequency of levying and collecting water rates, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§§ 43-1510 to 43-1512.**SECTIONS REFERRED TO IN OTHER SECTIONS**

These sections are referred to in sections 43-1513, 43-1515 to 43-1517, 43-1602.

§ 43-1513. Water main and service sewer assessments payable in three installments.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1515 to 43-1517, 43-1602.

§ 43-1514. Assessment of property in county of Washington for water mains and service sewers.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1513, 43-1515 to 43-1517, 43-1602.

§ 43-1515. Relevying assessments when assessments declared void.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1513, 43-1516, 43-1517, 43-1602.

§ 43-1516. Disposal of funds received by collector of taxes.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1513, 43-1515, 43-1517, 43-1602.

§ 43-1517. Definition—Service sewer.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 43-1513, 43-1515, 43-1516, 43-1602.

§ 43-1520c. Commissioners to have authority to fix water rates.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(325) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§§ 43-1521a to 43-1521c.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 43-1521d, 43-1541, 43-1609.

§ 43-1521d. Remedies not exclusive.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-1609.

§ 43-1530. Commissioners authorized to deliver water in nearby Maryland—Contract.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-1520c, 43-1529.

§ 43-1531. Delivery of water to Arlington County, Virginia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-1529.

§ 43-1531a. Delivery of water to Falls Church, Virginia, and adjacent areas—Installation expenses—Payments for water—Revocation of permit.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-1531c.

§ 43-1534. Unlawful tapping of water pipe—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-1535.

§ 43-1540. Loans authorized to expand water system.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-1539.

Chapter 16.—SANITARY SEWAGE WORKS

§ 43-1602. D.C. Sanitary Sewage Works Fund.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-1621.

§ 43-1605. Service charges for sanitary sewer service—Authority of Commissioners.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(326) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 43-1606. Methods of determination of sanitary sewer service charges.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(326) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to establishing charges for the provision of sanitary sewer service, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-1611.

§ 43-1608. Meters and measuring devices—Maintenance and repairs.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(327) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of

Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 43-1609. Additional charge for overdue bills—Enforcement of lien.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(328) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to imposing additional charge for unpaid sanitary sewer service charge, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 43-1613. Limit of loans for the sanitary and combined sewer systems.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-1616.

§ 43-1617. Interest rates on loans.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43-1623.

§ 43-1618. Commissioners' authority to make regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(329) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 43-1620. Commissioners authorized to develop plan for interceptor and sewer line.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-1616, 43-1621 to 43-1624.

§ 43-1621. Potomac interceptor—Acquisition of rights-of-way—Plans and specifications—Operation and maintenance of regional sanitary sewer system—Charges for use of interceptor—Deposit of funds.

* * * * *

(b) The Commissioners are authorized to establish, by agreements with the appropriate agencies of the United States and with the proper authorities of the States and local jurisdictions concerned, charges for the use of the Potomac interceptor, which shall be based upon the costs of operation, maintenance, and amortization of the cost of all planning and construction (including acquisition of rights-of-way) of such interceptor, but which shall exclude such amount as may be appropriated pursuant to section 43-1622. In the event any agency or local authority shall make lump sum payment of its entire portion of the cost, or one or more lump sum payments of the whole or any part of the remainder thereof, of all planning and construction (including acquisition of rights-of-way) of the interceptor, the agreement between the Commissioners and such agency or local authority shall provide or shall be modified to provide, as the case may be, that the charges to such local authority or agency for the use of the Potomac interceptor shall take into consideration such payment by the local authority or agency of its portion of the cost of such planning and construction: *Provided*, That any lump sum payment

by an agency or local authority towards its portion of the cost of all planning and construction (including acquisition of rights-of-way), if not of the whole amount thereof or of the remaining balance at the time of payment, shall be in an amount of not less than one-fourth of the agency's or local authority's original entire portion of the planning and construction cost. The Commissioners shall credit all receipts from such charges for the use of the Potomac interceptor to a special fund which is hereby established and which shall be known as the Metropolitan Area Sanitary Sewage Works Fund of the District of Columbia. Such special fund shall be available in such amounts as may be appropriated from time to time for expenses necessary to plan, construct, maintain, and operate the Potomac interceptor.

* * * * *

(As amended Sept. 11, 1967, Pub. L. 90-84, § 1, 81 Stat. 224.)

AMENDMENT

1967—Section 1, act Sept. 11, 1967, amended subsection (b) by adding thereto the second sentence above set out, beginning with "In the event", and ending with "construction cost".

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(330) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) in regard to prescribing regulations respecting the operation and maintenance of the Potomac Interceptor, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-1616, 43-1622 to 43-1624.

§ 43-1622. Authorization of appropriations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-1616, 43-1621, 43-1623, 43-1624.

§ 43-1623. Advancement of funds—Crediting and repayment of loans.

(a) The Secretary of the Treasury is authorized and directed to advance to the Commissioners, from time to time, and the Commissioners are authorized to accept as loans, such additional funds,

not exceeding a total of \$25,000,000, as may be appropriated to carry out the purposes of sections 43-1620 to 43-1624. Any loan advanced under this section shall be credited to the Metropolitan Area Sanitary Sewage Works Fund, and 50 per centum of the total amount of loans made under this section shall be repaid to the Secretary of the Treasury, from the receipts credited to said fund, in substantially equal annual payments including principal and interest, within a period of forty years beginning on July 1 of the second fiscal year following the date on which each such advance is credited to this fund: *Provided*, That interest and principal payments shall be deferred whenever the Secretary of the Treasury finds that the income received from charges for sewage services is inadequate to cover these and other expenses properly chargeable to these receipts, and such deferred interest and principal shall be added to the sums payable to the Secretary of the Treasury in later years. The interest rates on such loans shall be determined in accordance with the provisions of section 43-1617.

(b) The amount of loans which were made under subsection (a) of this section, and which do not have to be repaid—

(1) shall be considered as an additional Federal contribution toward the cost of planning, acquiring rights-of-way for, and constructing, the Potomac interceptor sewer, and

(2) for purposes of section 43-1621(b) shall be treated as having been appropriated pursuant to section 43-1622.

(June 12, 1960, Pub. L. 86-515, § 4, 74 Stat. 211; Sept. 11, 1967, Pub. L. 90-84, § 2, 81 Stat. 225.)

AMENDMENT

1967—Section 2, act Sept. 11, 1967, amended section by adding (a) at the beginning thereof; striking out in the second sentence of subsection (a) "and shall be repaid" and inserting at that point, "and 50 per centum of the total amount of loans made under this section shall be repaid", and adding subsection (b) thereto.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-1616, 43-1622, 43-1624.

§ 43-1624. Acquisition of land in Maryland or Virginia for Potomac interceptor—Title to and jurisdiction over land—Condemnation proceedings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43-1616, 43-1622, 43-1623.

TITLE 44.—RAILROADS AND OTHER CARRIERS

Chapter 1.—RAILROADS

§ 44-101. Sale of unclaimed freight.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-101, 29-209, 29-211, 29-215, 29-223, 29-229, 29-233, 29-234, 29-236, 29-238 to 29-240, 44-102, 44-103.

§ 44-102. Disposition of property under court order.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-101, 29-209, 29-211, 29-215, 29-223, 29-229, 29-233, 29-234, 29-236, 29-238 to 29-240, 44-103.

§ 44-103. Disposition of proceeds of sale.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-101, 29-209, 29-211, 29-215, 29-223, 29-229, 29-233, 29-234, 29-236, 29-238 to 29-240.

§ 44-104. Philadelphia, Baltimore and Washington Railroad Company—Abandonment of substation authorized—Repeal of certain laws.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 44-107.

§ 44-105. Waiting room on platform authorized.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 44-104, 44-107.

§ 44-106. Reversion of property to District of Columbia—Adequate walkways provided.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 44-107.

Chapter 2.—STREET RAILWAYS AND BUS LINES

§ 44-202. Street railways to furnish sufficient cars—Power, equipment, appliances, and service—Rules and regulations—Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 44-203.

§§ 44-206, 44-207.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 44-203.

§§ 44-211, 44-212.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 44-210.

Chapter 3.—PASSENGER MOTOR VEHICLES FOR HIRE

§ 44-301. Passenger motor vehicles for hire to carry insurance — Exceptions — Liability of insurance company absolute.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(331) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this sec-

tion with respect to approving form of, and terms and conditions of filing evidence, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2331.

NOTES TO DECISIONS

Automobile rental corporation

The District of Columbia Taxicab Insurance Act which applies to persons who rent passenger motor vehicles "for hire" had no application to corporation which rented automobiles, did not sell a transportation service as such and which prohibited its lessees from using the vehicles rented to them for transportation of persons or property "for hire"; "for hire" is usually a phrase of art and, in the field of transportation, denotes a common or contract carrier. *Nationwide Mutual Insurance Company etc. v. New Amsterdam Casualty Company etc.* (1967, 376 F. 2d 607, — U.S. App. D.C. —).

The administrative interpretation of District of Columbia Taxicab Insurance Act that automobile rental corporations are not within the Act is entitled to weight. *Id.*

§ 44-302. Insurance companies must be authorized to do business in District—Bonds to be secured—Insurance companies and corporate sureties must be approved by Superintendent—Reserves—Superintendent may make rules and regulations—Superintendent may withdraw certificate of approval after hearing—Conditions for cancellation of insurance policies and bonds.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(332) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making rules and regulations governing the writing of insurance, the making of bonds, and the business of insuring or bonding risks, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 4.—EMPLOYERS' LIABILITY

§§ 44-401 to 44-403.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 44-404, 44-405.

§ 44-404. Suit to be brought within one year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 44-405.

§ 44-405. Certain prior laws not affected.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 44-404.

TITLE 45.—REAL PROPERTY

Chapter 1.—CONVEYABLE ESTATES AND METHODS OF CONVEYANCE

§§ 45-102 to 45-104.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 45-823.

§ 45-106. Creation of term in excess of one year to be by deed or will.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45-501.

Chapter 2.—INTERPRETATION OF INSTRUMENTS

§§ 45-203, 45-204.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 45-823.

Chapter 3.—FORMS—COVENANTS AND WARRANTIES

§ 45-302. Deeds of corporations—Formal requisites—Acknowledgment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45-501.

Chapter 4.—ACKNOWLEDGMENTS

§§ 45-401, 45-402.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 45-501.

§ 45-403. Acknowledgment out of District.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-404, 45-501.

§ 45-404. Acknowledgment in foreign country.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45-501.

§ 45-408. Certain defective acknowledgments and executions validated.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-409, 45-504.

§ 45-409. Acknowledgments by married women.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-410, 45-504.

Chapter 6.—MORTGAGES AND DEEDS OF TRUST

§§ 45-605, 45-606.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 45-607.

§ 45-611. Appointment of trustee to sell in event of death of mortgagee or trustee.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-613, 45-614.

§ 45-614. Appointment of new trustee to sell in event of refusal or inability to act or removal of trustee from District, or for other good cause—Appointment of new trustee by agreement of parties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-603, 45-611, 45-619.

§ 45-619. Release after death of mortgagee or trustee.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45-614.

Chapter 7.—RECORDER OF DEEDS

SUBCHAPTER I.—APPOINTMENT AND FUNCTIONS OF RECORDER

§ 45-701. Appointment and duties.

TRANSFER OF FUNCTIONS OF THE BOARD OF COMMISSIONERS

Section 501 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, provides:

"Status of certain agencies. (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by part IV of this reorganization plan.

"(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

"(1) Board of Education (including the public school system)

"(2) Board of Library Trustees (including the public libraries)

"(3) Recreation Board

"(4) Public Service Commission

"(5) Zoning Commission

"(6) Zoning Advisory Council

"(7) Board of Zoning Adjustment

"(8) Office of the Recorder of Deeds

"(9) Armory Board"

§ 45-708. Fees of recorder of deeds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-806, 45-714.

SUBCHAPTER II.—RECORDATION TAX ON DEEDS

§ 45-723. Imposition of tax—Rate—Returns—Liability for tax.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(333) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (d)(1) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 45-724. Absence of consideration—Basis for computation of tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45-721.

§ 45-728. Deficiencies in tax—Notice of determination—Protests—Hearings—Time for payment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45-734.

§ 45-736. Stamps and other devices for collection of tax.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(334) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 45-737. Promulgation of rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(335) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 9.—LANDLORD AND TENANT

§ 45-902. Notices to quit—Month to month.

NOTES TO DECISIONS

Landlord's motivation for termination of tenancy

Tenant's constitutional rights to freedom of speech and to petition for redress of grievances were not violated by landlord's eviction of tenant through court action, notwithstanding fact that landlord may have been motivated to evict in retaliation for tenant's justified complaints to housing authority about condition of premises. *Y. C. Edwards v. N. Habib* (D.C. App. 1967, 227 A. 2d 388).

Thirty days' notice to quit given by landlord to month-to-month tenant was sufficient to terminate tenancy under statute, notwithstanding fact that landlord may have been motivated to give notice in retaliation for tenant's justified complaints to housing authority about condition of premises. *Id.*

Chapter 10.—POWERS

§§ 45-1005 to 45-1007.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 45-1008.

Chapter 14.—REAL ESTATE AND BUSINESS BROKERS' LICENSES

§§ 45-1401, 45-1402.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 45-1409.

§ 45-1403. Real Estate Commission created—Membership—Seal—Records—Compensation.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(336) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars described in par. 336, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-742, 45-1409.

§ 45-1404. Qualifications for license.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-742, 45-1409.

§ 45-1405. Application for license—Requirements—Location of business—Members—Individual broker's and real-estate salesman's license—Bond—Form, conditions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(337) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to requiring proof of the honesty, truthfulness, and integrity of the applicant, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-742, 45-1408 to 45-1410.

§§ 45-1406, 45-1407.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 11-742, 45-1409.

§ 45-1408. Suspension or revocation of license—Causes enumerated.

NOTES TO DECISIONS

Issues not raised in lower court

Where defendant in real estate broker's action to recover commission did not raise issue in trial court of legality of oral listing of property with broker for sale, the Court of Appeals would not consider the issue. *H. P. Miller v. J. Avirom* (1967, 384 F. 2d 319, — U.S. App. D.C. —).

Defendant's secondary reliance on statute of frauds in real estate broker's action to recover commission did not encompass issue of legality of oral listing with broker of property for sale and Court of Appeals could not consider the issue on appeal. *Id.*

§ 45-1409. Hearing before suspension—Court review—Appeal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-742, 45-1406, 45-1409.

§§ 45-1410 to 45-1418.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 11-742, 45-1409.

Chapter 16.—RENT CONTROL

§ 45-1603. General and special adjustments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45-1602.

§ 45-1604. Petition for adjustment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-1602, 45-1608, 45-1609.

§§ 45-1608, 45-1609.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 45-1604.

§ 45-1610. Enforcement—Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45-1605.

TITLE 46.—SOCIAL SECURITY

Chapter 3.—UNEMPLOYMENT COMPENSATION

§ 46-301. Definitions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(338 to 341) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (c), (k), (n) and (o) in the particulars described in pars. 338 to 341, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-303, 46-306 to 46-308.

§ 46-302. District Unemployment Fund.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-301, 46-314.

§ 46-303. Employer contributions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-304, 46-317.

§ 46-304. Method of paying employer contributions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(342 to 344) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (b), (e) and (k) in the particulars described in pars. 342 to 344, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-301, 46-306, 46-308, 46-316.

§ 46-306. Deposit in unemployment trust fund.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 46-316.

§ 46-307. Amount and duration of benefits.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(345) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (c) with respect to prescribing regulations regarding reduction of benefits, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-301, 46-309, 46-316.

§ 46-308. Method of paying benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-314, 46-316.

§ 46-309. Eligibility for benefits.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(346 and 347) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a) and (d) in the particulars described in pars. 346 and 347, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-307, 46-310.

§ 46-310. Disqualification for benefits.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(348 to 350) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a), (c) and (e) with respect to prescribing regulations, as specified in pars. 348 to 350, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-307, 46-309, 46-311.

§ 46-311. Determination of claims.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(351 to 354) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a), (c), (e) and (g) with respect to prescribing regulations and fixing rate of fees, as specified in pars. 351 to 354, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-301, 46-303.

§ 46-312. Court review.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-303, 46-311.

§ 46-313. Administration.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(355 to 357) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a), (b) and (f) in the particulars described in pars. 355 to 357, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-314, 46-315, 46-317.

§ 46-315. District Unemployment Compensation Board.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46-301, 46-304.

§ 46-316. Reciprocal arrangements.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(358) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) with respect to entering into reciprocal arrangements, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 46-301.

§ 46-317. Records and reports

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(359) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) with respect to prescribing work records to be kept, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 47.—TAXATION AND FISCAL AFFAIRS

Chapter 1.—GENERAL PROVISIONS

§ 47-107. Appropriations for contingent expenses—Accounting.

REFERENCES IN TEXT

Section 104 of former title 5 of the U.S. Code referred to in text, has been transferred to title 31 U.S.C. § 490-2.

§ 47-112a. Examination of vouchers and disbursement thereon—Accountability.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-112b, 47-120b.

§ 47-112b. Exceptions to liability for overpayments on Government bills of lading or transportation requests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-120b.

§ 47-113c. Penalties for official misconduct of disbursing officers—Bond.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(360) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to fixing amounts of bonds, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 47-120a. Liability of auditor or employees—Exceptions—Bond.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(360) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to fixing amounts of bonds, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-112b, 47-120b.

§ 47-120b. Enforcement of liability against persons certifying—Application for decision by Comptroller General.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-112b.

§ 47-122. Chief clerk to act in event of absence or disability of auditor.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(361) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to requiring the giving of bond, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 47-131. Repealed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24-418a, 24-451, 24-455.

§ 47-140. Trust funds held by District of Columbia—Lack of communication by owners of fund—Notice to owners that claims will be barred.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-141 to 47-144.

§ 47-141. Publication of notice relating to unclaimed funds—Form and contents of notice—Deposit of unclaimed funds in the Treasury of the United States.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-140, 47-142 to 47-144.

§ 47-142. Small sums—Exemptions from notice requirements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-143, 47-144.

§ 47-143. Deductions of expenses upon refunds to depositors—Deposit of deductions in the Treasury of the United States.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-144.

§ 47-144. "Commissioners" defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-143.

Chapter 2.—BUDGET ESTIMATES

§ 47-201. Salaries of force for protection of courthouse—Payment—Estimates.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests

and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

"(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

"(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council."

§ 47-202. Estimates—Repairs to schools.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

"(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

"(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council."

§ 47-203. Estimates for schools to be in accordance with 5-year building program.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commis-

sioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

"(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

"(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council."

§ 47-204. Certain expenses of United States District Court for the District of Columbia.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

"(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

"(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council."

§ 47-205. Commissioners' annual estimates—To include report of assignment of certain market employees.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

"(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

"(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council."

§ 47-206. Estimates for employees and for maintenance of sewers.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon

which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

"(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

"(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council."

§ 47-207. Estimates for employees for maintenance of highway bridge and approaches.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

"(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

"(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council."

§ 47-208. Estimates for witnesses and securing evidence in claims against the District of Columbia.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

"(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

"(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council."

§ 47-209. Estimates for assessment of real estate.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

"(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

"(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-604, 47-707.

§ 47-210. Estimates for water department.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

"(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

"(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council."

§ 47-211. Estimates for expenses of District—Order of arrangement.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

"Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

"(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

"(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

"(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

"(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall

return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

“(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

“(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council.”

§ 47-212. Publication of estimates of the District.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

“Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

“(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

“(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

“(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

“(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

“(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

“(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council.”

§ 47-213. Estimates for offices of probation officer and Register of Wills, and Commission on Mental Health.

TRANSFER OF FUNCTIONS WITH RESPECT TO APPROPRIATIONS

Section 403 of Reorganization Plan No. 3 for 1967, effective November 3, 1967, provides:

“Budget. Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

“(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

“(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

“(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

“(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

“(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

“(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council.”

Chapter 3.—COLLECTION AND DISBURSEMENT OF TAXES

§ 47-303. Deputy collector of taxes—Duties—Bond.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(362) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to requiring the giving of bond, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 47-309. Disbursement of taxes and appropriations—Vouchers—Settlement of accounts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-112, 47-310.

§§ 47-312, 47-313.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 45-735.

Chapter 4.—DESIGNATION OF PROPERTY FOR ASSESSMENT AND TAXATION

§ 47-401. Squares, lots, blocks, parcels, to be numbered.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-402.

§ 47-404. Designation of land for assessment—Beyond city limits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-408.

Chapter 5.—RATES, RECORDS, AND SURPLUS FUNDS

§ 47-501. Assessment of taxes on real and personal property—Rate of taxation—Collection.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(363) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section with respect to ascertaining, determining, and fixing annually rate of taxation, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 47-502. Treasury Department to keep record of receipts and disbursements relative to District of Columbia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-503.

§ 47-503. Disposition of surplus funds—To be applied to succeeding year's expenditures.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(364) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars described in par. 364, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 6.—TAX ASSESSOR

§ 47-604. Board of assistant assessors—Appointment—Qualifications—Clerk.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-707.

§ 47-606. Assessor to have power to administer oaths and summon witnesses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-604, 47-707.

Chapter 7.—ASSESSMENT OF REAL PROPERTY

§§ 47-701, 47-702, 47-704 to 47-706.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-604, 47-707.

§ 47-707. Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-604.

§ 47-708. Board of Equalization and Review—Annual meeting—Notice of meetings—Duties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-604, 47-707, 47-717, 47-2405.

§§ 47-709, 47-710.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-604, 47-707, 47-2405.

§ 47-711. New buildings under roof to be included in list.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2405.

§ 47-712. Assessment of omitted property—Voided assessments, reassessment of property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-604, 47-707, 47-2405.

§§ 47-713 to 47-715.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-716.

§ 47-716. Application for redistribution or reassessment—Notice—Validity.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2405.

§ 47-717. Reassessment of real estate by Board of Assistant Assessors.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-716.

Chapter 8.—EXEMPTIONS FROM TAXATION

§ 47-801. Repealed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-821 to 47-826, 47-828, 47-830.

§ 47-801a. Government property—Property of educational, charitable, religious or scientific institutions—Profits arising from sale of property.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(365) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (e) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-722, 47-801b to 47-801f.

§ 47-801b. Income producing property of exempt institutions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-722, 47-801a, 47-801a-1, 47-801b-1, 47-801d to 47-801f, 47-831 to 47-836.

§ 47-801c. Report as to use of exempt property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-722, 47-801a, 47-801a-1, 47-801b, 47-801d to 47-801f, 47-831 to 47-836.

§ 47-801d. Abatement or refund of tax assessed against exempt property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-722, 47-801a, 47-801b, 47-801e, 47-801f.

§ 47-801e. Appeal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-722, 47-801a, 47-801a-1, 47-801b, 47-801d, 47-801f, 47-831 to 47-836.

§ 47-801f. Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(366) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-722, 47-801a, 47-801b, 47-801d, 47-801e.

Chapter 10.—REAL PROPERTY TAX SALES

§ 47-1001. Delinquent tax list—Publication of notice—Competitive proposals—Sale.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(367) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section with respect to fixing date of sale of real property on which taxes are levied and in arrears, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1002, 47-1003.

§ 47-1002. Sale of property—Purchase by District.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1003.

§ 47-1003. Deposit required—Certificate of sale—Tax deed—Redemption.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1004.

§§ 47-1004 to 47-1009.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-1003.

§§ 47-1011 to 47-1013.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-1014.

Chapter 11.—SPECIAL ASSESSMENTS

§§ 47-1101, 47-1102.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1103, 47-1104.

§ 47-1103. Notice of levying of special assessment—Publication—Payment of special assessment—Interest.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1001a, 47-1101, 47-1104.

§ 47-1104. Payment of special assessment after ratification—Sale for nonpayment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1103.

§§ 47-1105, 47-1106.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1103, 47-1104.

Chapter 12.—TAXATION OF PERSONAL PROPERTY

§§ 47-1201, 47-1202.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1203, 47-1213, 47-1303, 47-1304.

§ 47-1203. Assessor to prepare printed blank forms—Mode of assessment, returns—False affidavit, penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1213, 47-1303, 47-1304.

§§ 47-1204 to 47-1206.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1203, 47-1213, 47-1303, 47-1304.

§ 47-1207. Rate of taxation—Exceptions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1203, 47-1213, 47-1303, 47-1304, 47-1701.

§ 47-1208. Personal property exempt from taxation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1203, 47-1207, 47-1213, 47-1303, 47-1304.

§ 47-1209. Payment of taxes—To be made semiannually—Mandamus to compel filing sworn return—Expenses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1203, 47-1213, 47-1301, 47-1303, 47-1304.

§§ 47-1210, 47-1211.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1203, 47-1213, 47-1303, 47-1304.

§ 47-1212. Mercantile establishments and carriers by water.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1203, 47-1206, 47-1213, 47-1303, 47-1304.

§ 47-1213. Board of Personal Tax Appeals—Constitution—Proceedings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1203, 47-1303, 47-1304.

§ 47-1214. Clerk of Board of Personal Tax Appraisers—Appointment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1203, 47-1213, 47-1303, 47-1304.

Chapter 13.—ENFORCEMENT OF PERSONAL PROPERTY TAXES BY DISTRAINT OR LEVY

§§ 47-1301, 47-1302.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1203, 47-1213, 47-1303, 47-1304.

§ 47-1303. Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1203, 47-1213, 47-1304.

§ 47-1304. Remedies for collection of intangible tax—Common-law and equitable remedies available for collection of all taxes and assessments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1203, 47-1213, 47-1303.

§ 47-1305. Sale of real estate to satisfy personal tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1203, 47-1213, 47-1303, 47-1304.

Chapter 14.—ENFORCEMENT OF PERSONAL PROPERTY TAXES BY ACQUISITION OF LIEN

§ 47-1410. Failure to file return—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1412.

Chapter 15.—INCOME AND FRANCHISE TAXES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 21-311.

SUBCHAPTER I.—INCOME TAX FOR TAXABLE YEARS PRIOR TO JANUARY 1, 1947

§§ 47-1501 to 47-1504.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1505. Deductions from gross income.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1524, 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§§ 47-1506 to 47-1508.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1509. Personal exemptions and credit for dependents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1502, 47-1524, 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1510. Accounting periods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1511, 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§§ 47-1511 to 47-1518.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1519. Extension of time for filing returns.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1526, 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§§ 47-1520 to 47-1522.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1523. Fiduciary returns.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1515, 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§§ 47-1524, 47-1525.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1526. Time of payment of tax—Extension—Advance payments—Fractional part of cent—Collector.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1541, 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§§ 47-1527 to 47-1530.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1531. Determination and assessment of deficiency—Protest—Appeal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1534, 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§§ 47-1532 to 47-1536.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§§ 47-1537 to 47-1539.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1540, 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1540. Additions to the tax in case of nonpayment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1541. Time extended for payment of tax shown on return.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1540, 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1542. Penalties—"Person" defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§ 47-1543. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1510, 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

§§ 47-1544 to 47-1547.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1551, 47-1551b, 47-1583, 47-1591, 47-2413.

SUBCHAPTER II.—INCOME AND FRANCHISE TAXES FOR TAXABLE YEARS AFTER JANUARY 1, 1947

SUBCHAPTER REFERRED TO IN U.S. CODE

This subchapter is referred to in section 5516 of title 5, U.S. Code.

TITLE I.—REPEAL OF PRIOR INCOME TAX LAW AND APPLICABILITY OF SUBCHAPTER; GENERAL DEFINITIONS

§ 47-1551. Repeal of sections 47-1501 to 47-1547 and retention of certain provisions thereof.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1580, 47-1589e, 47-1591, 47-2413.

NOTES TO DECISIONS

Domicile as a prerequisite to tax liability

District of Columbia Income and Franchise Tax Act did not by its terms subject to tax income earned in the first three months of year by person who was domiciled in another state and then moved to the District in which he became a domicile and resident thereof for the remaining nine months of the year and who paid tax to District on income earned for nine months in which he was a domicile. *District of Columbia v. P. S. Davis* (1967, 371 F. 2d 964, 125 U.S. App. D.C. 311).

§§ 47-1551a, 47-1551b.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-1580.

§ 47-1551c. General definitions.

REFERENCES IN TEXT

The section of the Internal Revenue Code of 1954 referred to in subsections (w), (x), (y) are classified to 26 U.S.C. 3401 (a), (b), and (d).

CAPITAL ASSETS

Since findings clearly established that good will of an acquired company was a capital asset held more than two years, gain from sale of such capital asset was exempt from franchise tax. *A.C.F. Industries, Incorporated v. District of Columbia* (1967, 382 F. 2d 463, — U.S. App. D.C. —).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1561, 47-1580, 47-1583d.

SECTION REFERRED TO IN U.S. CODE

This section is referred to in title 5 section 5516 of the U.S. Code.

§§ 47-1552, 47-1553.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1589e, 47-1591, 47-2413.

TITLE II.—EXEMPT ORGANIZATIONS

§ 47-1554. Exempt organizations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1571a, 47-1574b, 47-1589e, 47-1591, 47-2413.

TITLE III.—NET INCOME, GROSS INCOME AND EXCLUSIONS THEREFROM, AND DEDUCTIONS

§ 47-1557. Net income.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1589e, 47-1591, 47-2413.

§ 47-1557a. Gross income and exclusions therefrom.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(368) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b)(17) in the particulars described in par. 368, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

(Note. Par. 368 of section 402 of the Plan, refers to section 47-1577a(b)(17). On the assumption that this is a typographical error, this note is set out under this section.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 29-933, 47-1577i, 47-1580.

NOTES TO DECISIONS

Domicile as a prerequisite to tax liability

District of Columbia Income and Franchise Tax Act did not by its terms subject to tax income earned in the first three months of year by person who was domiciled in another state and then moved to the District in which he became a domicile and resident thereof for the remaining nine months of the year and who paid tax to District on income earned for nine months in which he was a domicile. *District of Columbia v. P. S. Davis* (1967, 371 F. 2d 964, 125 U.S. App. D.C. 311).

Capital assets

Since findings clearly established that good will of an acquired company was a capital asset held more than two years, gain from sale of such capital asset was exempt from franchise tax. *A.C.F. Industries, Incorporated v. District of Columbia* (1967, 382 F. 2d 463, — U.S. App. D.C. —).

§ 47-1557b. Deductions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(369) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a)(7) in the particulars described in par. 369, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1557a, 47-1567b, 47-1577d, 47-1577g, 47-1583e.

§§ 47-1558 to 47-1560.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1589e, 47-1591, 47-2413.

TITLE IV.—ACCOUNTING PERIODS, INSTALLMENT SALES, AND INVENTORIES

§ 47-1561. Accounting periods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1561a, 47-1589e, 47-1591, 47-2413.

§§ 47-1562, 47-1563.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1589e, 47-1591, 47-2413.

TITLE V.—RETURNS

§ 47-1564. Form of returns and duty to file.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1564b, 47-1564c, 47-1589e, 47-1591, 47-2413.

§ 47-1564a. Requirement—Who must file.

NOTES TO DECISIONS

Domicile as a prerequisite to tax liability

District of Columbia Income and Franchise Tax Act did not by its terms subject to tax income earned in the first three months of year by person who was domiciled in another state and then moved to the District in which he became a domicile and resident thereof for the remaining nine months of the year and who paid tax to District on income earned for nine months in which he was a domicile. *District of Columbia v. P. S. Davis* (1967, 371 F. 2d 964, 125 U.S. App. D.C. 311).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1564b.

§ 47-1564b. Filing of returns.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1586f.

§ 47-1564c. Divulging of information.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1586g.

TITLE VI.—TAX ON RESIDENTS AND NONRESIDENTS

§ 47-1567. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1574e, 47-1577b, 47-1589e, 47-1591, 47-2413.

NOTES TO DECISIONS

Domicile as a prerequisite to tax liability

District of Columbia Income and Franchise Tax Act did not by its terms subject to tax income earned in the first three months of year by person who was domiciled in another state and then moved to the District in which he became a domicile and resident thereof for the remaining nine months of the year and who paid tax to District on income earned for nine months in which he was a domicile. *District of Columbia v. P. S. Davis* (1967, 371 F. 2d 964, 125 U.S. App. D.C. 311).

§ 47-1567a. Personal exemptions and credit for dependents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1567, 47-1547e, 47-1577b, 47-1577d.

NOTES TO DECISIONS

Domicile as a prerequisite to tax liability

District of Columbia Income and Franchise Tax Act did not by its terms subject to tax income earned in the

first three months of year by person who was domiciled in another state and then moved to the District in which he became a domicile and resident thereof for the remaining nine months of the year and who paid tax to District on income earned for nine months in which he was a domicile. *District of Columbia v. P. S. Davis* (1967, 371 F. 2d 964, 125 U.S. App. D.C. 311).

§ 47-1567b. Imposition and rates of tax—Optional method of computation.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(370) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b) in the particulars described in par. 370, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1574e, 47-1577b.

NOTES TO DECISIONS

Domicile as a prerequisite to tax liability

District of Columbia Income and Franchise Tax Act did not by its terms subject to tax income earned in the first three months of year by person who was domiciled in another state and then moved to the District in which he became a domicile and resident thereof for the remaining nine months of the year and who paid tax to District on income earned for nine months in which he was a domicile. *District of Columbia v. P. S. Davis* (1967, 371 F. 2d 964, 125 U.S. App. D.C. 311).

§ 47-1567c. Repealed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1574e, 47-1577b.

§ 47-1567d. Credits against tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1567b, 47-1574e, 47-1577b.

NOTES TO DECISIONS

Domicile as a prerequisite to tax liability

District of Columbia Income and Franchise Tax Act did not by its terms subject to tax income earned in the first three months of year by person who was domiciled in another state and then moved to the District in which he became a domicile and resident thereof for the remaining nine months of the year and who paid tax to District on income earned for nine months in which he was a domicile. *District of Columbia v. P. S. Davis* (1967, 371 F. 2d 964, 125 U.S. App. D.C. 311).

TITLE VII.—TAX ON CORPORATIONS

§ 47-1571. Taxable income defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1574, 47-1589e, 47-1591, 47-2413.

NOTES TO DECISIONS

Principal place of business

In this case, there is no question that the principal offices and businesses were located outside the District of Columbia and were located in the states where the loans were made and the payments thereon received. The facts are clear that the principal place of business for each subsidiary was not in the District of Columbia, and the argument that for source purposes there could be more than one source—one within and one without the District of Columbia—is answered by pointing out that by its clear meaning this cannot be. *State Loan and Finance Corporation etc. v. District of Columbia* (1967, 381 F. 2d 895, — U.S. App. D.C.—).

Source and situs

The source of interest income is the obligor and its situs is his residence. *State Loan and Finance Corporation etc. v. District of Columbia* (1967, 381 F. 2d 895, — U.S. App. D.C. —).

Source of dividends

The source of dividends is the domicile of the paying or issuing corporation. *State Loan and Finance Corporation etc. v. District of Columbia* (1967, 381 F. 2d 895, — U.S. App. D.C. —).

Source of income defined

Common sense requires that the question of source or domicile in the case of dividend and interest source is one which is resolved by finding the principal office and business of the corporation. *State Loan and Finance Corporation etc. v. District of Columbia* (1967, 381 F. 2d 895, — U.S. App. D.C. —).

§ 47-1571a. Imposition and rate of tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1574.

NOTES TO DECISIONS

Principal place of business

In this case, there is no question that the principal offices and businesses were located outside the District of Columbia and were located in the states where the loans were made and the payments thereon received. The facts are clear that the principal place of business for each subsidiary was not in the District of Columbia, and the argument that for source purposes there could be more than one source—one within and one without the District of Columbia—is answered by pointing out that by its clear meaning this cannot be. *State Loan and Finance Corporation etc. v. District of Columbia* (1967, 381 F. 2d 895, — U.S. App. D.C. —).

Source and situs

The source of interest income is the obligor and its situs is his residence. *State Loan and Finance Corporation etc. v. District of Columbia* (1967, 381 F. 2d 895, — U.S. App. D.C. —).

Source of dividends

The source of dividends is the domicile of the paying or issuing corporation. *State Loan and Finance Corporation etc. v. District of Columbia* (1967, 381 F. 2d 895, — U.S. App. D.C. —).

TITLE VIII.—TAX ON UNINCORPORATED BUSINESSES

§ 47-1574. Definition of unincorporated business.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1557a, 47-1557b, 47-1564a, 47-1567, 47-1567d, 47-1589e, 47-1591, 47-2413.

§ 47-1574a. Taxable income defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1557a, 47-1557b, 47-1564a, 47-1567, 47-1567d.

§ 47-1574b. Imposition of rate of tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1557a, 47-1557b, 47-1564a, 47-1567, 47-1567d, 47-1574c, 47-1574d.

§ 47-1574c. Exemption.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1557a, 47-1557b, 47-1564a, 47-1567, 47-1567d, 47-1574a.

§§ 47-1574d, 47-1574e.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1557a, 47-1557b, 47-1564a, 47-1567, 47-1567d.

TITLE IX.—TAX ON ESTATES AND TRUSTS

§ 47-1577. Resident and nonresident estates and trusts defined.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1577a, 47-1589e, 47-1591, 47-2413.

§ 47-1577c. Computation of tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1557a.

§ 47-1577d. Net income.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1577e.

§§ 47-1577f, 47-1577g.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-1577c.

TITLE X.—PURPOSE OF SUBCHAPTER AND ALLOCATION AND APPORTIONMENT

§ 47-1580. Purpose of subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1557b, 47-1564a, 47-1571, 47-1574a, 47-1589e, 47-1591, 47-1591f, 47-2413.

NOTES TO DECISIONS

Source and situs

The source of interest income is the obligor and its situs is his residence. *State Loan and Finance Corporation etc. v. District of Columbia* (1967, 381 F. 2d 895, — U.S. App. D.C. —).

Source of dividends

The source of dividends is the domicile of the paying or issuing corporation. *State Loan and Finance Corporation etc. v. District of Columbia* (1967, 381 F. 2d 895, — U.S. App. D.C. —).

§ 47-1580a. Allocation and apportionment.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(371) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars described in par. 371, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1557b, 47-1564a, 47-1571, 47-1574a, 47-1591f.

§ 47-1580b. Allocation of income and deductions between organizations, etc.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1557b, 47-1564a, 47-1571, 47-1574a, 47-1591f.

TITLE XI.—BASES

§ 47-1583. Basis for determining gain or loss.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1583a, 47-1583d, 47-1583e, 47-1589e, 47-1591, 47-2413.

§§ 47-1583a, 47-1583b.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-1583d.

§ 47-1583e. Depreciation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1557b.

TITLE XII.—ASSESSMENT AND COLLECTION; TIME OF PAYMENT

§ 47-1586. Duties of Assessor.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1589e, 47-1591, 47-2413.

§ 47-1586d. Determination and assessment of deficiency.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1586f, 47-1586j, 47-1593.

§ 47-1586f. Payment of tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1589d.

§ 47-1586g. Withholding of tax.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(372) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to prescribing and promulgating all regulations referred to in this section, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1586j.

§ 47-1586j. Refunds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1593.

TITLE XIII.—PENALTIES AND INTEREST

§ 47-1589. Failure to file return.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1589c, 47-1589e, 47-1591, 47-2413.

§§ 47-1589a, 47-1589b, 47-1589d.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-1589c

TITLE XIV.—LICENSES

§ 47-1591. Requirement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1589e, 47-1591e, 47-1591f, 47-2413.

TITLE XV.—APPEAL

§ 47-1593. Appeal to Board of Tax Appeals for the District of Columbia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1589e, 47-1591, 47-1593a, 47-2413.

TITLE XVI.—RULES AND REGULATIONS

§ 47-1595. Commissioners to prescribe and publish rules.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(373) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1589e, 47-1591, 47-2413.

§ 47-1595a. Commissioners authorized to make rules and regulations in regard to District of Columbia Revenue Act of 1956.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(374) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 16.—INHERITANCE AND ESTATE TAXES

ARTICLE I—INHERITANCE TAX

§ 47-1601. Imposition of tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1602, 47-1604 to 47-1606, 47-1608, 47-1624, 47-1627.

§ 47-1602. Tax based on market value—Appraisal.

NOTES TO DECISIONS

Deduction of federal estate taxes

Regulation permitting deduction of federal estate taxes paid only on property subject to District of Columbia inheritance tax was required to give way to plain meaning of statute manifesting clear intent of Congress to impose tax on market value of inheritance received and containing no estate tax apportionment provisions. *District of Columbia v. M. W. Payne* (1966, 374 F. 2d 261, — U.S. App. D.C. —).

The full amount of federal estate taxes, which were paid from personal residuary estate as required by law and a portion of which had been paid on value of Ohio realty devised to persons other than residuary legatee, was deductible in computing residuary legatee's District of Columbia inheritance tax, notwithstanding regulation permitting deduction of federal estate taxes paid only on property subject to the District inheritance tax. *Id.*

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1601, 47-1608, 47-1624, 47-1627.

§ 47-1603. Appraisal deemed true value—Tax to be lien—Exceptions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1601, 47-1608, 47-1624, 47-1627.

§ 47-1604. Report by decedent's personal representative—Contents—Payment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1601, 47-1607, 47-1608, 47-1624, 47-1627.

§ 47-1605. Collection of tax from distributive share.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1601, 47-1608, 47-1624, 47-1627.

§ 47-1606. Property not under control of personal representative.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1601, 47-1607, 47-1608, 47-1624, 47-1627.

§ 47-1607. Life and future estates—Payment of tax—Lien.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1601, 47-1608, 47-1624, 47-1627.

ARTICLE II—ESTATE TAX

§ 47-1608. Imposition of tax—Additional levy on transfers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1603, 47-1609 to 47-1611, 47-1615, 47-1624.

§ 47-1609. Credits—Restriction.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1603, 47-1610, 47-1613, 47-1615, 47-1624.

§§ 47-1610 to 47-1614.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-1603, 47-1615, 47-1624.

§ 47-1615. Tax payable within seventeen months.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1603, 47-1624.

ARTICLE III—GENERAL

§§ 47-1616, 47-1617.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-1624.

§ 47-1618. Administration—Rules—Testimony—Production of books and records.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(375) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1624.

§ 47-1619. Arrears.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1615, 47-1624.

§§ 47-1620 to 47-1622.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-1624.

§ 47-1623. Release of lien.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(376) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to prescribing regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1624.

§ 47-1624. Transfers of assets—Notice—Portion retained to pay tax—Assessor to examine assets—Issuance of certificate.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-1624.

Chapter 17.—FINANCIAL INSTITUTION, GUAR- ANTY COMPANY, AND PUBLIC UTILITY TAXES

§§ 47-1701 to 47-1709.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 26-610, 47-1203, 47-1213, 47-1303, 47-1304.

Chapter 18.—INSURANCE COMPANIES

§§ 47-1801, 47-1807.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-1806.

Chapter 19.—MOTOR FUEL TAX

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 40-103.

§ 47-1901. Rate—Use restricted.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(377 and 378) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under sections 103, 202, 203 and 205, of Pub. L. 89-11, set out as a note to this section in the particulars described in pars. 377 and 378, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-202, 40-808, 40-809, 47-1902, 47-1903, 47-1910, 47-1911, 47-1913, 47-1915, 47-1916.

§ 47-1902. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-202, 47-1903, 47-1910, 47-1911, 47-1913, 47-1915, 47-1916.

§ 47-1903. Importers—License—Application for—Con- tents—Fee—Bond—Issuance—Revocation.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(379) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) (5) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-202, 47-1902, 47-1910, 47-1911, 47-1913, 47-1915, 47-1916.

§ 47-1904. Monthly report to assessor of amount of fuel sold.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-202, 47-1902, 47-1903, 47-1910, 47-1911, 47-1913, 47-1915, 47-1916.

§ 47-1905. Invoices to be rendered by importers to all purchasers except in cases of retail sales.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-202, 47-1902, 47-1903, 47-1908, 47-1910, 47-1911, 47-1913, 47-1915, 47-1916.

§ 47-1906. Tax to be paid to collector not later than twenty-fifth day of next succeeding calendar month.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-202, 47-1902, 47-1903, 47-1910, 47-1911, 47-1913, 47-1915, 47-1916.

§§ 47-1907 to 47-1909.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-202, 47-1902, 47-1903, 47-1910, 47-1911, 47-1915, 47-1916.

§ 47-1910. Motor fuel used for any purpose other than motor vehicle—Refund of tax payment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-202, 47-1901 to 47-1903, 47-1911, 47-1915, 47-1916.

§ 47-1911. Violations—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-202, 47-1902, 47-1903, 47-1910, 47-1915, 47-1916.

§§ 47-1912 to 47-1914.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-202, 47-1902, 47-1903, 47-1910, 47-1911, 47-1915, 47-1916.

§ 47-1915. Construction—Personal tax laws not af- fected.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-202, 47-1902, 47-1903, 47-1910, 47-1911, 47-1916.

§ 47-1916. Commissioners to make necessary regula- tions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(380) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-202, 47-1902, 47-1903, 47-1910, 47-1911, 47-1915.

Chapter 20.—DOG TAX

§ 47-2001. Dog tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2006.

§ 47-2002. Collector to furnish metallic tag.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2003, 47-2006.

Chapter 21.—PRIVATE EMPLOYMENT AGENCY LICENSES

§ 47-2101. Employment agencies—License required— Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11-742, 40-105, 47-2102, 47-2105.

§ 47-2102. Bond.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(381) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to determining penal sum of bond to be deposited by applicants, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-105.

§§ 47-2103 to 47-2107.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 40-105.

§ 47-2108. False information.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 47-2102.

§ 47-2109. Exceptions from license requirements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40-105.

Chapter 22.—PUBLIC AUCTION PERMITS

§§ 47-2201 to 47-2208.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-2309.

Chapter 23.—GENERAL LICENSE LAW

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 40-903.

§ 47-2301. Licenses required for business or profession—Application—Transfer of license—Signing and sealing.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(382) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to adopting a seal, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907, 47-2344a.

§ 47-2302. Compliance with fire escape laws and regulations required before license is issued.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§ 47-2303. Theater licenses—Revocation for failure to comply with regulations for decency.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(383) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to prescribing regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§ 47-2304. Separate license for each business, trade, or profession by same person—Place of business restricted to that designated in license—Operation under license by others prohibited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§ 47-2305. Date and expiration of license—Prorating for late application.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907, 47-2344a.

§§ 47-2306 to 47-2308.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-105, 43-907.

§ 47-2309. Auctioneers—Penalty for failure to account.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907, 47-2344a.

§ 47-2310. Barber shops and beauty parlors.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907, 47-2310a.

§§ 47-2311 to 47-2314.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-105, 43-907.

§§ 47-2315 to 47-2327.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-105, 43-907.

§ 47-2328. Classification of buildings containing living quarters for licenses—Fees—Buildings exempt from license requirement.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(384) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to classifying buildings, and requiring licenses, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§§ 47-2329, 47-2330.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 40-105.

§ 47-2331. Vehicles for hire—Hackers' licenses—Identification tags on vehicles—Sightseeing vehicles for school children, occasional purposes—Ambulances, private vehicles for funeral purposes—Issuance of licenses—Payment of fees.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(385) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (f) with respect to directing as to the identification tags to be borne by licensed vehicles, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

CODIFICATION

The reference in subsection (f) to sections 40-1001 to 40-1007 is an error. The reference should be to sections 43-201 to 43-209.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-103, 40-105, 40-301, 43-907, 44-301, 47-1914.

§ 47-2332. Rental or leasing of motor vehicle without driver.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§ 47-2333. Vehicles hauling goods from public space.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907, 47-2331.

§§ 47-2334, 47-2335.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-105, 43-907.

§ 47-2336. Sales on streets or public places.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(386) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to regulations governing the conduct of licensed vendors, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§ 47-2337. Solicitors.**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 40-105, 43-907.

§ 47-2338. Guides.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(387) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making regulations for the examination of applicants for licenses, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§ 47-2339. Secondhand dealers—Classification—Licensing—Stolen property.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(388) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to classifying dealers in secondhand personal property, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§ 47-2340. Dealers in dangerous weapons.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(389) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making and promulgating regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§ 47-2341. Private detectives.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(390) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (d) with respect to making regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§§ 47-2342, 47-2343.**SECTIONS REFERRED TO IN OTHER SECTIONS**

These sections are referred to in sections 40-105, 43-907.

§ 47-2344. Commissioners may regulate, modify, or eliminate license requirements.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(391) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to requiring a license of other businesses or callings, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907.

§ 47-2344a. Undertakers' licenses—Qualifications—Examination—License without examination—Authority of Commissioners—Appropriations—Definitions.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(392 and 393) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (b) and (d)(6) in the particulars described in pars. 392 and 393, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 47-2345. Promulgation of regulations authorized—Suspension or revocation of licenses—Bonding of licensees authorized to collect moneys—Exemptions.**TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL**

Section 402(394, 395 and 396) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section in the particulars described in pars. 394, 395 and 396, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-105, 43-907, 47-2339.

§§ 47-2346 to 47-2350.**SECTIONS REFERRED TO IN OTHER SECTIONS**

These sections are referred to in sections 40-105, 43-907.

Chapter 24.—DISTRICT OF COLUMBIA TAX COURT**§ 47-2403. Appeal from assessment—Hearing and decision.****SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 40-603-1, 45-734, 47-709 to 47-712, 47-716, 47-801e, 47-1215, 47-1531, 47-1534, 47-1593, 47-2405, 47-2406, 47-2413, 47-2618.

NOTES TO DECISIONS**Jurisdiction**

Letter which was signed by executor of estate and specifically stated that it was sent as agent for residuary legatee and that legatee wished to appeal inheritance tax assessment contained statement "sufficient to indicate that court has jurisdiction of the subject" within rule authorizing informal petitions consisting of letter addressed to the court and signed by taxpayer if it contains

such statements. *District of Columbia v. M. W. Payne* (1966, 374 F. 2d 261, — U.S. App. D.C. —).

A letter which was signed by officer of executor of decedent's estate and which specifically stated that it was sent as agent for residuary legatee and that the legatee wished to appeal inheritance tax assessment substantially complied with District of Columbia Tax Court rule providing for informal petition consisting of letter addressed to court and actually signed by taxpayer if it contains statements sufficient to indicate that court has jurisdiction of subject. *Id.*

§ 47-2404. Review by court—Procedure—Decision of Board, when final—Modification or reversal.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40-603-1, 45-734, 47-709 to 47-112, 47-716, 47-801e, 47-1215, 47-1531, 47-1534, 47-1593, 47-2405, 47-2406, 47-2413, 47-2618.

§§ 47-2407 to 47-2411.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 40-603-1, 45-734, 47-1215, 47-1531, 47-1534, 47-1593, 47-2618.

§ 47-2412. Reference by Commissioners to the Board.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-1531, 47-1534.

§ 47-2413. Overpayments—Board of Tax Appeals.

CODIFICATION

The reference in subsection (a) to sections 47-1501 to 47-1548, is an error. The reference should be to sections 47-1501 to 47-1547.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45-735, 47-2405.

Chapter 25.—MISCELLANEOUS PROVISIONS

§ 47-2501a. Annual payment by the United States—Appropriations.

For the fiscal year ending June 30, 1968, and for each fiscal year thereafter, there is authorized to be appropriated, as the annual payment by the United States toward defraying the expenses of the government of the District of Columbia, the sum of \$70,000,000 which shall be credited to the general fund of the District of Columbia. (July 16, 1947, 61 Stat. 361, ch. 258, Art. VI, § 1; May 18, 1954, 68 Stat. 113, ch. 218, title VII, § 701; Sept. 30, 1966, 80 Stat. 857, Pub. L. 89-610, title V, § 501; Nov. 3, 1967, Pub. L. 90-120, title I, § 101, 81 Stat. 339.)

AMENDMENTS

1967—Section 101, Pub. L. 90-120, amended section by striking out, "June 30, 1967" and inserting in lieu thereof "June 30, 1968" and by striking out "\$60,000,000" and inserting in lieu "\$70,000,000".

SHORT TITLE

Section 1 act Nov. 3, 1967, Pub. L. 90-120 provided: "That this Act [amending section 47-2501a, subsection 9-220(b), repealing subsection (f) of section 9-220 and enacting section 1-320] may be cited as the 'District of Columbia Federal Payment Authorization and Borrowing Authority Act of 1967.' "

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9-220 as section 1 of article VI of the District of Columbia Revenue Act 1947.

§ 47-2502. Regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(397) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the

right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 26.—GROSS SALES TAX

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 47-2701, 47-2712.

§ 47-2601. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2605.

§ 47-2602. Imposition of tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2705.

§ 47-2603. Reimbursement of vendor for tax.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2604, 47-2703, 47-2704.

§ 47-2604. Rate of tax.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(398) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2603, 47-2703, 47-2704.

§ 47-2605. Exemptions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2607.

§§ 47-2606, 47-2607.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-2413, 47-2703, 47-2704.

§§ 47-2608 to 47-2610.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-2413, 47-2707.

§ 47-2611. Assumption or refund of tax by vendor unlawful—Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2709.

§§ 47-2612 to 47-2614.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-2413, 47-2710.

§ 47-2615. Secrecy of returns—Reciprocity.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5-723.

§ 47-2616. Determination of deficiencies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2617, 47-2713.

§ 47-2617. Refunds.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(399) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) with respect to prescribing regulations governing refunds, to the District of Columbia Council, subject to

the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2713.

§ 47-2618. Appeals.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2619, 47-2713.

§ 47-2619. Sales in bulk.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2713.

§ 47-2620. Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(400) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2713.

§ 47-2621. Additional powers of Assessor.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(401 and 402) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (c) and (d) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2713.

§ 47-2622. Examination of records and witnesses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2713.

§ 47-2623. Certificate of registration.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2413, 47-2712.

§§ 47-2624 to 47-2629.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-2413, 47-2713.

Chapter 27.—COMPENSATING-USE TAX

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 47-2601.

§ 47-2701. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2413.

§§ 47-2702 to 47-2707.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-2413.

§ 47-2708. Surety bonds may be required.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(403) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to requiring vendors to file bond, deter-

mining the sureties necessary, and the duration of the bond, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2413.

§§ 47-2709, 47-2710.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-2413.

§ 47-2711. Monthly returns to be filed—Content and form—Payment of tax.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(404 and 405) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (a) and (b) in the particulars specified in pars. 404 and 405, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of the Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2413.

§§ 47-2712, 47-2713.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-2413.

Chapter 28.—CIGARETTE TAX

§ 47-2801. Definitions.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(406) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (g) to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 47-2802. Imposition of tax.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(407 to 410) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (c), (d), (h) and (i) in the particulars described in pars. 407 to 410, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 47-2805. Types of licenses.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(411, 412 and 413) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsections (A), (B) and (C) (3) in the particulars described in pars. 411, 412 and 413, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 47-2806. Period of licenses—Suspensions and revocations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(414) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other

functions of the Board of Commissioners, under this section with respect to fixing by regulation periods for which licenses shall remain in effect, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 47-2808. Administration—Rules and regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(415) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section with respect to making rules and regulations, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

§ 47-2811. Redemption of cigarette or alcoholic-beverage tax stamps.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(416) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under subsection (a) with regard to prescribing regulations respecting refunds or allowances, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

Chapter 29.—ADMISSION TO LICENSED PLACES— POSTING OF PRICE SCALE

§§ 47-2901, 47-2902.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 47-2903, 47-2904.

§ 47-2903. Increase of penalty provisions in section 47-2901.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2902, 47-2904.

§ 47-2904. Recovery of fine—Payment of moiety.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2902.

§ 47-2905. Posting of price scale.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2906, 47-2907.

§ 47-2906. Failure to post price scale—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2907.

§§ 47-2908, 47-2909.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 47-2911.

§ 47-2910. Proprietors or keepers of licensed restaurants, eating-houses, bar-rooms, sample-rooms, ice-cream saloons, or soda fountains required to serve well-behaved persons at common prices.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-2909, 47-2911.

§ 47-2911. Failure to post or file price list—Charging other or greater price—Failure to serve any well-behaved person—Penalty—Enforcement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2909.

Chapter 30.—CLOSING-OUT SALES

§ 47-3002. Closing-out sales prohibited without a license—Application for license to be in writing—License fee—Bond—Records—Penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 47-3003, 47-3004.

§ 47-3005. Continuation of sale beyond termination date prohibited—Extension of termination date—Continuation of business at new location prohibited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-3009.

§ 47-3009. Regulations.

TRANSFER OF FUNCTIONS TO DISTRICT OF COLUMBIA COUNCIL

Section 402(417) of Reorg. Plan No. 3 of 1967, effective November 3, 1967, transferred the regulatory and other functions of the Board of Commissioners, under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967, set out in the appendix to title 1.

TITLE 48.—TRADE-MARKS AND TRADE NAMES

Chapter 2.—REGISTRATION OF MILK CONTAINERS

§§ 48-201 to 48-209.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 48-201, 48-204 to 48-211.

§ 48-210. Prosecutions—Penalties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 48-201 to 48-211.

Chapter 3.—REGISTRATION OF CONTAINERS FOR BEVERAGES COMPOSED PRINCIPALLY OF MILK

§ 48-302. Registration authorized—Publication.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 48-301, 48-303, 48-305.

§§ 48-303 to 48-305, 48-307.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 48-301.

Chapter 4.—REGISTRATION OF LABOR UNION LABELS

**§ 48-401. Adoption of label authorized—Registration—
Assignment prohibited.**

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 48-402.

§ 48-402. Use of registered label restricted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 48-403.

TITLE 49.—COMPILATION AND CONSTRUCTION OF CODE

Chapter 1.—GENERAL PROVISIONS

§ 49-111. Disposition of compilation of laws affecting District of Columbia.

TRANSFER OF FUNCTIONS TO COMMISSIONER

Section 401 of Reorganization Plan No. 3 of 1967, effective November 3, 1967, transferred functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the appendix to title 1.

Chapter 3.—LAWS REMAINING IN FORCE

§ 49-301. Common law, principles of equity and admiralty, and Acts of Congress to remain in force.

The common law, all British statutes in force in Maryland on February 27, 1801, the principles of equity and admiralty, all general Acts of Congress not locally inapplicable in the District of Columbia, and all Acts of Congress by their terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, in force in the District of Columbia on March 3, 1901, shall remain in force except in so far as the same are inconsistent with, or are replaced by, some provision of the 1901 Code. (Mar. 3, 1901, 31 Stat. 1189, ch. 854, § 1.)

§ 49-303. Vestries.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 29-1003.

Parallel Reference Tables

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July 28	134	90-57		101	9-126a.	Dec. 20	670	90-220		1	1-1422.
	135	90-57		101	31-121.	Dec. 26	728	90-223		1	25-137.
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	277	90-108		2	22-3111.		737	90-226	VI	603	22-2901.
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	336	90-115		2(1)	2-308 note.		737	90-226	VI	606	22-2001.
	336	90-115		2(2)	2-209 note.		739	90-226	VI	607	22-3105.
	336	90-115		2(3)	2-309a.		739	90-226	VI	608	4-150a.
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	429	90-133	IV	403	11-341 note.		742	90-226	VIII	803(b)	15-716.
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Dec. 4	532	90-172		1	40-603.	Dec. 29	744	90-227		1102	4-140 etc. note.
	532	90-172		2	40-706.		744	90-227		1	1-266.
	532	90-173		1	27-130.		745	90-227		2	1-267.
Dec. 6	542	90-176		1(1)	5-723(b).		747	90-231		1(1)	31-721.
	542	90-176		1(2)	5-723(b).		747	90-231		1(2)	31-723.
	542	90-176		1(3)	5-723(b).		747	90-231		1(3)	31-724.
	543	90-176		1(4)	5-723(b).		748	90-231		1(4)	31-725.
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	544	90-178		1(2)	11-703(c).		750	90-231		1(7)	31-730.
	545	90-178		1(3A)	11-705.		751	90-231		1(8)	31-733.
	545	90-178		1(3B)	Sec. Analysis to T. 11 ch 7.		751	90-231		1(9)	31-739a.
	545	90-178		2(a)(b)	17-301(b).		751	90-231		1(10)	31-739c.
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